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CrI.O.P.No.16359 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06.06.2025**

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16359 of 2025

M.Suresh

... Petitioner/Accused

Vs

State Rep. by
the Inspector of Police,
Anaicut Police Station,
Chengalpattu District.
(Crime No.97 of 2025)

... Respondent

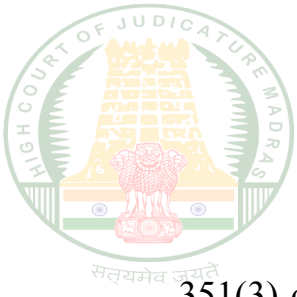
Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent in Crime No.97 of 2025 on the file the respondent herein.

For petitioner : Mr.Magesh Kumar.G

For Respondent : Mr.R.Vinothraja
Government Advocate (CrI. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(2) and



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351(3) of BNS, 2023 in Crime No.97 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant are neighbours. There was a property dispute between them. On the date of occurrence, a wordy altercation arose between the petitioner and the parents of de-facto complainant. The petitioner alleged to have attacked the father of the de-facto complainant with stone, thereby, the de-facto complainant's father sustained injury. Hence, the case.

3.The learned counsel for petitioner submitted that there is a long standing property boundary dispute between the petitioner and de-facto complainant's family. The petitioner has been falsely implicated in this case. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that it is a case of property dispute. He further submitted that the injured has been discharged from the hospital.

5. Heard both sides and perused the materials available on record.

6. Considering the submissions made by the learned counsels on either side and the fact that it is a case of property dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned **District Munsif cum Judicial Magistrate, Cheyyur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only), with



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two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identify proofs to ensure their identity;

[c] the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall make himself available for



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interrogation by a Police officer as and when required;

[f] the petitioner to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] the petitioner shall not abscond either during investigation or trial;

[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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M.NIRMAL KUMAR, J.

rsi

To:

1.The District Munsif cum Judicial Magistrate,
Cheyyur.

2.The Inspector of Police,
Anaicut Police Station,
Chengalpattu District.

3.The Public Prosecutor,
High Court Madras.

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