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Crl.O.P. No.17144 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.17144 of 2025

Balaji

... Petitioner/ Accused

Vs.

The State Rep. By,
The Inspector of Police,
Vellore South Police Station,
Vellore.
(Crime No.20 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of his arrest by the respondent police concerned in Crime No.20 of 2025, on the file of the respondent police.

For Petitioner : M/s. M. Dinesh

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



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS in Crime No.20 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant married the sister of the petitioner herein in the year 2019 through a love marriage; that out of their wedlock, they have two children; that thereafter, the petitioner's sister got eloped with one Prabhu and left the defacto complainant and her children, therefore the defacto complainant is living separately along with his children; that whileso, on 25.01.2025, at about 9:30 p.m., the petitioner met the defacto complainant and on account of previous enmity between them, the petitioner abused, assaulted the defacto complainant using glass bottle and further, threatened him of dire consequences; that thereby, the defacto complainant sustained injury. Hence, this case.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case



and he had never committed any offence as alleged by the prosecution; and that the petitioner is ready to produce solvent sureties and to abide by any stringent conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioner is the brother-in-law of the defacto complainant and on account of the conduct of the petitioner's sister, there arose a wordy quarrel; that thereby, the petitioner abused and assaulted the defacto complainant; that the petitioner has no bad antecedents; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioner.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioner, submissions made by the learned counsels on either side, the fact that the petitioner has no bad antecedents and since custodial interrogation of the petitioner is not required for the purpose of



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investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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 on which the order copy made ready, before **the learned Judicial Magistrate No.I, Vellore** on condition that the petitioner shall execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stands 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 identify proofs to ensure their identity;



**[c] the petitioner shall report before the respondent
WEB COPY police 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 interrogation by a Police office 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];



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M. NIRMAL KUMAR, J.

stn

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

19.06.2025

stn

To

1. The Judicial Magistrate No.I,
Vellore.
2. The Inspector of Police,
Vellore South Police Station,
Vellore.
(Crime No.20 of 2025)
3. The Public Prosecutor, High Court of Madras.

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