



WEB COPY



CrI.O.P.No.16674 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.16674 of 2025

K.Santhosh Kumar

... Petitioner/Accused-2

Vs.

The State represented by,
The Inspector of Police
Gummidipoondi Police Station
Tiruvallur.
Crime No.123 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to grant anticipatory bail to the
petitioner in the event of arrest by the respondent police in connection with
FIR No.123 of 2025 on the file of Gummidipoondi Police Station, Tiruvallur.



Crl.O.P.No.16674 of 2025

WEB COPY

For Petitioner : Mr.Prabhakaran A

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1), 324(4) & 351(3) of BNS Act, in Crime No.123 of 2025, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that there was a property dispute between the petitioner and the defacto complainant and an appeal suit is pending in this regard. The defacto complainant encroached the disputed land and tried to alter the same and they attacked each other. Hence, the complaint.



Crl.O.P.No.16674 of 2025

WEB COPY

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he 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. Therefore, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that there was a property dispute between the petitioner and the defacto complainant and they attacked each other. Therefore, he opposed for granting anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.



WEB COPY



CrI.O.P.No.16674 of 2025

6. Considering the submissions made on either side, 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 on which the order copy made ready, before the **learned Judicial Magistrate, Gummidipoondi**, on condition that the petitioner shall execute a 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, and on proof of payment of deposits, 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 stand automatically cancelled;



CrI.O.P.No.16674 of 2025

WEB COPY

[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 Police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for further 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;



CrI.O.P.No.16674 of 2025

WEB COPY

[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.

13.06.2025

dna



CrI.O.P.No.16674 of 2025

WEB COPY

To:

1.The Judicial Magistrate,
Gummidipoondi.

2.The Inspector of Police
Gummidipoondi Police Station
Tiruvallur.
Crime No.123 of 2025.

3.The Public Prosecutor,
High Court Madras.



WEB COPY



Crl.O.P.No.16674 of 2025

M.NIRMAL KUMAR, J.

dna

Crl.O.P.No.16674 of 2025

13.06.2025