



Crl.O.P.No.19407 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19407 of 2025

E.Ashwin Kumar

... Petitioner

Vs.

State rep by
Inspector of Police
K2-Ayanavaram Police Station
Chennai District
Crime No. 140 of 2025

... Respondent

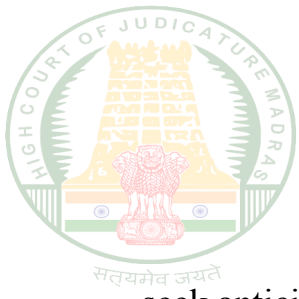
PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 to enlarge the petitioner on anticipatory bail in the event of his arrest pending investigation in Crime No. 140 of 2025 on the file of respondent police.

For Petitioner : Mr.S.Kalaikumar

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 126(2), 296(b), 115(2), 311, 324(4), 125, 351(3) of BNS Act, 2023(147, 341, 294(b), 323, 397, 427, 338, 506(ii) of IPC) in Crime No. 140 of 2025, on the file of the respondent police,



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seek anticipatory bail.

2. The case of the prosecution is that on 04.04.2025, the petitioner trespassed into the defacto complainant's shop and he along with his friend abused the defacto complainant in a filthy language, threatened him with dire consequences and robbed a sum of Rs.1300/-. Hence the case.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He submits that he has not committed any offence as alleged by the prosecution. He also submits that petitioner is ready to abide any conditions that may be imposed by this Court. Hence, he sought for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent police, reiterated the prosecution case and submitted that nine previous cases pending against the petitioner including a case registered under section 302 of IPC. He also submit that this is a 2nd anticipatory bail petition and 1st anticipatory bail application was dismissed as withdrawn. Hence, he opposed for grant of anticipatory bail to the petitioner.

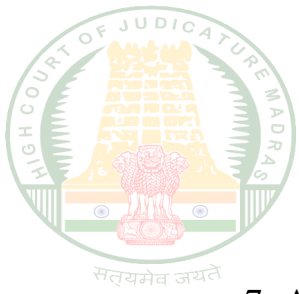
5. Heard the learned counsel for the petitioner and the learned



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Additional Public Prosecutor for the respondent Police and perused the materials available on record.

6. Considering the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, it is seen that this is a 2nd anticipatory bail application. The case has been projected as though the petitioner/A3 along with A1 and A2 had trespassed into the defacto complainant's food shop, consumed food without making payment and thereafter, robbed a sum of Rs.1000/- at knife point. The petitioner had earlier filed a anticipatory bail petition in Crl.O.P.No.11811 of 2025 at that time, similar objection was raised and the petitioner was permitted to withdraw the same on 22.04.2025. Thereafter, after 3 months, the present petition has been preferred . The respondent police are making strong objections for grant of anticipatory bail to the petitioner, however, it is noted that for the past three months, they have been unable to secure the accused. It is further stated that the petitioner has also been involved in a case registered under Section 302 of IPC. At present, the petitioner himself comes forward to appear before the Court and co-operate with the investigation. Considering the fact that the respondent police have been unable to secure the accused for the past three months, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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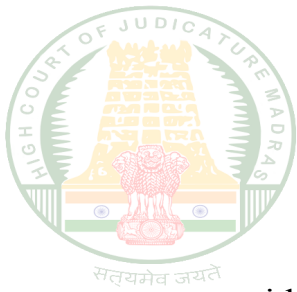
7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned **V Metropolitan Magistrate, Egmore**, on condition that the petitioner shall execute a bond 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

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

[b] **the petitioner shall report before the respondent Police daily at 10.30 a.m for a period of 30 days and thereafter as and when required for interrogation;**

[c] 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;

[d] the petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper



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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];

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

07.08.2025

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Note: Registry is directed to forward the copy of this order to Deputy Commissioner of Police, Kilpauk, Chennai.

M.NIRMAL KUMAR, J.



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To

1. The V Metropolitan Magistrate, Egmore,

2. Inspector of Police

K2-Ayanavaram Police Station

Chennai District

3. The Public Prosecutor,
High Court of Madras.

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