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Crl.O.P.Nos.19504 & 19506 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.Nos.19504 & 19506 of 2025

Riyaz @ Manoj Kumar

... Petitioner/Accused No.2
in Crl.O.P.No.19504/2025

Balaji

... Petitioner/Accused No.3
in Crl.O.P.No.19506/2025

Vs.

State rep by
The Inspector of Police,
H-8 Thiruvottiur Police Station,
Tiruvallur District.
(Crime No.857 of 2025)

... Respondent in both Crl.O.Ps.

Common Prayer: Criminal Original Petitions filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant anticipatory bail to the petitioners in the event of arrest in connection with Crime No.857 of 2025 pending investigation on the file of the respondent H-8 Thiruvottiur Police Station.



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For Petitioners
in both Crl.O.P.Nos. : Mr.M.Krishen

For Respondent
in both Crl.O.P.Nos. : Mr.Leonard Arul Joseph Selvam
Government Advocate (Criminal Side)

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 115(2), 126(2), 296(B), 311 & 351(3) of BNS, 2023 & Section 25(1-A) of Arms Act, in Crime No.857 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 29.06.2025 at around 9.00 a.m., the defacto complainant went to Thiruvottiyur Market Junction. While the defacto complainant was there, the auto driver who is A-1 and the other accused came in an auto bearing Registration No.TN-09-BK-3488, shouted and threatened the public. The auto driver A-1 had hidden a large steel machete behind the rear seat of the auto. Thereafter, A-1 threatened the



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defacto complainant at knife point and snatched Rs.600 from the defacto complainant's shirt pocket. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of bail to the petitioners, reiterated the prosecution case.

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



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6. Considering the submissions made on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the **learned Judicial Magistrate at Tiruvottiyur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[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 petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and thereafter as and when required for further interrogation;

[d] the petitioners 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 petitioners shall make themselves available for interrogation by the respondent as and when required;

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

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



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[h] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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.

25.07.2025

dna

To:

1.The Inspector of Police,
H-8 Thiruvottiyur Police Station,
Tiruvallur District.
(Crime No.857 of 2025)

2.The Judicial Magistrate at Tiruvottiyur.

3.The Public Prosecutor,
High Court Madras.



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M.NIRMAL KUMAR, J.

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