



CRL O.P. No.30775 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.30775 of 2024

Muthusamy @ Muthan Petitioner / Accused

Vs

State rep. by:-

The Inspector Of Police,
Dhali Police Station,
Tiruppur District. ... Respondent
[Cr. No.232 of 2024]

PRAYER: - The Criminal Original Petition is filed under Section 482 of

B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in

Crime No.232 of 2024 on the file of the respondent police.

For Petitioner : Mr. R. John Sathyan, Senior counsel
for Mr. J. Aravind

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]

ORDER



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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 296(b), 118(1) and 351(iii) of B.N.S., subsequently altered to Sections 191(2), 191(3), 296(b), 118(1) and 351(iii) of B.N.S. in connection with the case in Crime No.232 of 2024, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had questioned the defacto complainant and asked to stop the construction of shed and thereafter, had intimidated the defacto complainant and also assaulted him with wooden stick.

3. Learned Senior counsel for the petitioner would contend that the petitioner had supported one of the brothers; that he is also relative and sought to be falsely implicated; that in any case, custodial interrogation of the petitioner is not required; that there is case and counter case; and that the injured was discharged from the hospital and hence prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side), on instructions, reiterated the prosecution case and confirmed the fact that



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there is dispute between the siblings and there is case and counter case registered in Cr. Nos.232 of 2025 and 233 of 2025.

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

6. Considering the nature of allegations, the relationship between the parties and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner on 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 **Judicial Magistrate-II, Udumalpet** on condition that the petitioners 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



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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 conditions that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

d] the petitioner shall not abscond either during investigation or trial.

[e] 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



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of Kerala [(2005)AIR SCW 5560].

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[f] If the accused thereafter abscond, a fresh FIR can be registered
under Section 269 B.N.S.

17.02.2025

mjs

To

- 1.The Judicial Magistrate-II, Udumalpet
2. The Public Prosecutor, High Court, Madras.
3. The Inspector Of Police, Dhali Police Station, Tiruppur District.

SUNDER MOHAN. J.,

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