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Crl.O.P.No.31987 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.01.2025

CORAM

THE HONOURABLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.31987 of 2024

1. Sarathi
2. Kumar

... Petitioners

Vs

The State rep. by,
The Sub Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.531/2024)

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioners on bail in the event of arrest in Crime No.531 of 2024 on the file of the respondent police pending investigation.

For Petitioners	:	Mr.S.Sengkodi
For Respondent	:	Mr.Santhosh Government Advocate (Crl.Side)

ORDER

Apprehending arrest in connection with Crime No.531 of 2024 registered for the offences punishable under Sections 296(b), 127(2) and 109 of BNS, the present petition has been filed by the petitioners seeking anticipatory



Crl.O.P.No.31987 of 2024

bail.

WEB COPY

2. The case of the prosecution is that due to previous enmity, the petitioners and other accused persons abused the defacto complainant with unparliamentary words and attacked him with knife, hands and legs and also attempted to kill him. Hence, the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl. Side) appearing for the respondent Police, opposing for grant of anticipatory bail, is that the petitioners and other accused by using knife, hands and legs attacked the defacto complainant and attempted to kill him. He further submitted that the injured has been discharged from the hospital.

5. Having heard the learned counsel for the petitioners and the



Crl.O.P.No.31987 of 2024

learned Government Advocate (Crl. Side) for the respondent Police and perused

the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and 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 of receipt of a copy of this order, before the learned **Judicial Magistrate-II, Salem**, on condition that the petitioners 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 said Magistrate, 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;

[b] the petitioners shall stay at Dharmapuri and report before the Inspector of Police, Town Police Station, Dharmapuri, daily at 10.30 a.m., and thereafter appear before the respondent Police daily at 10.30 a.m., until further orders; The petitioners shall not enter into the jurisdiction of the respondent police for a period of one month.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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



CrI.O.P.No.31987 of 2024

[e] 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];

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

02.01.2025

Index : Yes/No
Internet : Yes/No

rts



CrI.O.P.No.31987 of 2024

To

WEB COPY

1. The Inspector of Police,
Kitchipalayam Police Station,
Salem District.

2. The Public Prosecutor,
High Court, Madras.



WEB COPY



Crl.O.P.No.31987 of 2024

A.D.JAGADISH CHANDIRA, J.

rts

Crl.O.P.No.31987 of 2024

02.01.2025