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Crl O.P.No.2866 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **06-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2866 of 2025

Mohan Alias Kallapadi Mohan
S/o.Anandhan, No.2/12, K.Valasi, Main Road,
Kallapadi Village, Gudiyatham Taluk, Vellore
District.

Petitioner(s)

Vs

State Rep By, The Inspector Of Police
Ambalur Police Station, Ambalur, Tirupathur District.
Crime No.300 2024

Respondent(s)

For Appellant(s):

Mr.G.Vinodh Kumar

For Respondent(s):

Mr.S.Balaji,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 189 (2), 296 (b), 115(2), 118 (1) and 351 (3) of BNS, in Crime No.300 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner (A-9) along



with 8 other accused were found urinating on the compound wall near the *de facto* complainant's house, that when the *de facto* complainant questioned about the same, he was attacked and abused in filthy language by the petitioner and other accused persons. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case; that the petitioner is ready to abide by any condition that may be imposed by this Court; that the co-accused (A-7) was arrested and released on bail; and that the custodial interrogation is not required in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police per contra submitted that due to previous enmity, the petitioner (A-9) along with other accused persons attacked and abused the *de facto* complainant. He further submitted that though the co-accused was arrested and released on anticipatory bail, there are several cases registered against the petitioner under Tamil Nadu Prohibition Act and NDPS Act and hence, he opposed for grant of anticipatory bail to the petitioner.



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

6. Considering the nature of allegations and the fact that the co-accused have been arrested and released on bail; custodial interrogation of the petitioner is not required for the investigation, and further, though the petitioner has previous cases, they are not similar to the offences in the case on hand and is on bail in those cases, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

(a) 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, Vaniyambadi** 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 said Magistrate, failing which, the petition for anticipatory bail shall



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stand dismissed and on further condition that:

[b] the petitioner shall report before the respondent police daily 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 of Kerala [(2005)AIR SCW 5560]**;

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

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To,

The State Rep By, The Inspector Of Police
Ambalur Police Station, Ambalur,
Tirupathur District.
Crime No.300 2024

SUNDER MOHAN, J.



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