



CRL OP NO.32300 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **02.01.2025**

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THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO.32300 of 2024

HARIHARAN

D.No.72 New No.112,
Gangai Amman Kovil Street,
Vadapalani, Chennai District.

Petitioner(s)

Vs.

The State Rep. By,
THE INSPECTOR OF POLICE,
Vyasarpadi Police Station, Chennai District.
(Crime No.505 of 2024)

Respondent(s)

For Petitioner(s):

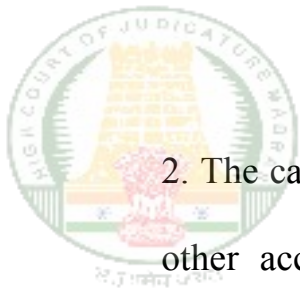
GANDHI KUMAR KALYANASUNDHARAM
A.Nethra, K.Shalini, S.Viswes

For Respondent(s):

Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 270, 125(b), 123 and 223(b) of the Bharatiya Nyaya Sanhita, 2023 (BNS) and Section 71(xiv) of the Tamil Nadu City Police Act, 1888 in Crime No.505 of 2024 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that, on 17.11.2024, the petitioner, along with other accused, negligently flew kites using abrasive string threads, which wrapped around the right side neck of the defacto complainant's child, causing injuries. Hence, this case.

3. Learned counsel for the petitioner submits that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. Further, he submits that the petitioner has been falsely implicated in the case based on suspicion by the respondent police. He also submits that the co-accused were arrested and released on bail. The petitioner is ready to produce solvent sureties, abide by any conditions that may be imposed by this Court, and also to appear and co-operate for the investigation. Therefore, he prays for the grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police opposed the grant of anticipatory bail to the petitioner, stating that the petitioner, along with other accused, used manja threads for flying kites, which accidentally wrapped around the neck of the defacto complainant's child, causing injuries. He also submitted that the co-accused A1 to A6 were arrested and released on bail, and the petitioner has no previous cases pending against him.



5. Heard the learned counsel for the petitioners, the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the First Information Report.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the main accused were arrested and enlarged on bail and the petitioner has no previous cases pending against him, this Court is inclined to grant anticipatory bail to the petitioner with 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 on which the order copy made ready, before **the learned X 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] 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 06:30 P.M., until further orders.

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

[d] the petitioner shall not abscond either during the investigation or during the 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 was 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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02.01.2025



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To
The State Rep. By,
THE INSPECTOR OF POLICE,
Vyasarpadi Police Station,
Chennai District.
(Crime No.505 of 2024)



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A.D. JAGADISH CHANDIRA, J.

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CRL.OP. No. 32300 of 2024

02.01.2025