



Crl.OP.No.1743 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

**DATED : 19.03.2025**

**CORAM**

**THE HON'BLE MR. JUSTICE SUNDER MOHAN**

**Crl.O.P.No.1743 of 2025**

1.Gunasekar

2.Pappulu

.. Petitioners

**Vs.**

The State rep by  
The Inspector of Police,  
Sankarapuram Police Station,  
Kallakurichi District.  
(Crime No.597 of 2024)

.. Respondent

**PRAYER:** Criminal Original Petition filed under Section 482 of Bharatiya  
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the  
event of their arrest in Crime No.597 of 2024 on the file of the respondent  
Police.

For Petitioners : M/s.Anbukarasu R

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

**ORDER**

The petitioners, who apprehend arrest at the hands of the respondent



Crl.OP.No.1743 of 2025

police for the offences punishable under Section 191(2), 191(3), 296(b), 115(2), 118(1), 133, 126(2), 303(2), 351(3) and 109 of BNS in Crime No.597 of 2024, seek anticipatory bail.

2. This is the third anticipatory bail application filed by the petitioners. The first anticipatory bail application was dismissed as withdrawn on 12.11.2024 and the second anticipatory bail application was dismissed by this Court in Crl.O.P.No.30215 of 2024 noticing the fact that the first petitioner has six previous cases and the second petitioner has five previous cases.

3. Though the earlier anticipatory bail petition of the petitioners was dismissed by my learned predecessor, Hon'ble Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

4. The learned counsel appearing for the petitioners submitted that



WEB COPY

the first petitioner has no cases pending at the moment, and the second petitioner has three previous cases pending, not four cases as stated earlier and out of which two cases were registered in the years 2012 and 2016, and they are still under investigation; that the co-accused, similarly placed, namely A1, was granted anticipatory bail.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police filed a counter and fairly admitted that the first petitioner has one case, which was registered in the year 2010 and was disposed of and the second petitioner has five cases out of which two cases were disposed of.

6. Though the earlier anticipatory bail application filed by the petitioners was dismissed by this Court for the reason that the first petitioner has six pending cases and the second petitioner has five pending cases, the counter filed by the respondent would show that there are no pending cases against the first petitioner and three pending cases against the second petitioner out of which two cases were registered in the year 2012 and 2016.

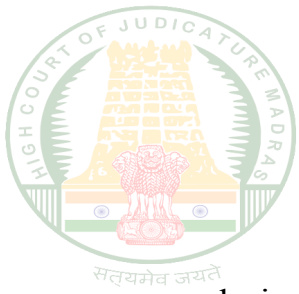


Considering the aforesaid facts, the fact that similarly placed co-accused has been granted anticipatory bail, and since custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 is made ready, before the **learned Judicial Magistrate, Sankarapuram**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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 petitioners 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 petitioners shall appear before the respondent police daily at **10.30 a.m., until further orders.**



CrI.OP.No.1743 of 2025

[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.

[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 absconds, a fresh FIR can be registered under Section 269 BNS.

**19.03.2025**

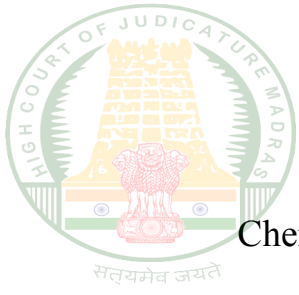
Index : Yes / No  
Internet : Yes / No  
dpa

To

1.The Inspector of Police,  
Sankarapuram Police Station,  
Kallakurichi District.

2. The learned Judicial Magistrate,  
Sankarapuram.

3.The Public Prosecutor,  
Madras High Court,



Chennai.

WEB COPY



CrI.OP.No.1743 of 2025

**SUNDER MOHAN , J.**

dpa

**CrI.O.P.No.1743 of 2025**

**19.03.2025**