



CRL OP NO. 32437 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

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CRL OP NO. 32437 of 2024

1.S.Kaviyarasan

2.Bharath @ Bharathji

petitioners(s)

Vs

The State Represented by The Inspector Of Police  
E-5, Sholavaram Police Station, Thiruvallur  
District.

Crime No.1178 of 2024.

Respondent(s)

**For petitioners(s):**

P.K.Ganesh

**For Respondent(s):**

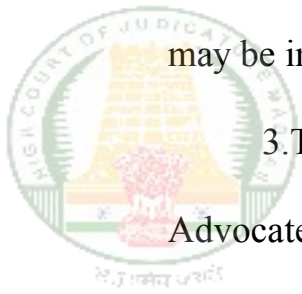
S.Santhosh

Government Advocate (criminal Side).

### **ORDER**

Apprehending arrest in connection with Crime No.1178 of 2024, registered for the offences punishable under Sections 126(2), 296(b), 309(4), 351(3) of BNS, 2023, the present petition has been filed seeking anticipatory bail.

2.Pleading innocence on the part of the petitioners, false implication in this case, the learned counsel for the petitioners seeks indulgence of this court. He would submit that they are innocent and no way connected with this case. He would further submit that they are ready to abide by any stringent condition that



may be imposed by this Court.

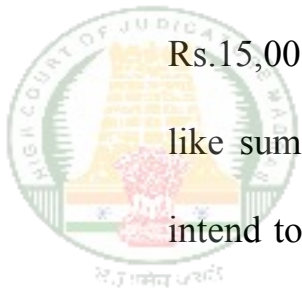
3.The case of the prosecution as putforth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that the accused waylaid the defacto complainant and demanded money, A1 threatened defacto complainant with knife, A2 held the hands of defacto complainant and A3 stolen Rs.12300/- from defacto complainant. A1 arrested and released on bail. He would further submit that there are two previous case as against A2 and A3 has no previous case.

4.Having heard the learned counsel for the petitioners, and the learned Government Advocate (Criminal Side) for the respondent Police and perused the materials available on record.

5.Taking into consideration the above facts and circumstances of the case and the submission made by the learned Government Advocate, this Court is not inclined to grant anticipatory bail to the 1<sup>st</sup> petitioner/A2. Accordingly, this Criminal Original Petition stands dismissed in respect of the 1<sup>st</sup> petitioner/A2 and this court is inclined to grant anticipatory bail to the 2<sup>nd</sup> petitioner/A3 with certain conditions.

5.Accordingly, the 2<sup>nd</sup> petitioner/A3 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 Judicial Magistrate – II, Ponneri, on condition that the petitioners shall execute a bond for a sum of



Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties, each

like sum to the satisfaction of the respondent police or the police officer who intend 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 2<sup>nd</sup> petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure their identity;

[b] the 2<sup>nd</sup> petitioner shall report before the respondent police on everyday at 10.30 a.m., until further orders;

[c] the 2<sup>nd</sup> petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the 2<sup>nd</sup> 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 petitioners in accordance with law as if the conditions have been imposed and the 2<sup>nd</sup> 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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

**09-01-2025**

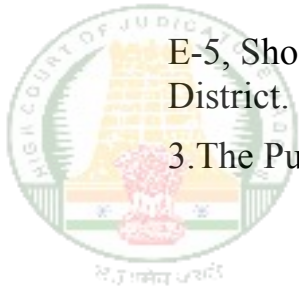
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To

<https://www.mhc.tn.gov.in/judis>

1.The Judicial Magistrate - II, Ponneri.

2.The Inspector Of Police



E-5, Sholavaram Police Station,  
District.

Thiruvallur



3.The Public Prosecutor, High Court, Madras.

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**A.D.JAGADISH CHANDIRA, J.**

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