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CRL OP No. 29200 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-10-2025

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THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29200 of 2025

1. D. Mithun

2.Y. Mohammed Afroze Shaik Petitioner(s)

Vs

State, rep. by The Inspector of Police,

THIRU.VI.KA.Nagar Police Station, Pulianthope, Respondent(s)

Chennai District. (Crime No. 265 of 2025)

PRAYER Criminal Original Petition filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in the event of their arrest in connection with in Crime No. 265 of 2025 on the file of Respondent Police.

For Petitioner(s): Mr.A.J.Magendiraverman

For Respondent(s): Mr.S.Udayakumar
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126, 296(b), 118(1) & 351(3) of BNS (Sections 399, 294(b), 324 & 506(ii) of IPC), in Crime No.265 of 2025, on the file of the respondent Police, seek anticipatory bail.



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2. The prosecution's case is that on 04.10.2025, the defacto complainant, Lingeshwaran, son of Babu, lodged a complaint with the respondent police alleging that on 03.10.2025, the petitioners were involved in a scuffle with the defacto complainant's friend, Umar. When the defacto complainant intervened, the petitioners, along with others, abused and assaulted him. Pursuant to the complaint, an FIR has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and opposed for grant of anticipatory bail to the petitioners and submitted that the injured has been



discharged from the hospital. He would further submitted that there are two previous cases pending against the first petitioner/A2 and the second petitioner/A3 is having one previous case.

5. Heard both sides and perused the materials available on record.

6. Taking into consideration, the facts and circumstances of the case and the submissions made by the learned counsel and also of the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following 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 made ready, before the learned **Vth Metropolitan Magistrate Court, Egmore, Chennai** on condition that the petitioners shall execute a separate bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) each 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] if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[d] the petitioners shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during



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investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[g] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

28-10-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To
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- 1.State, rep. by The Inspector of Police,
THIRU.VI.KA.Nagar Police Station,
Pulianthope ,Chennai District. (Crime
No. 265 of 2025)
- 2.The Vth Metropolitan Magistrate
Court, Egmore, Chennai.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR J.

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