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Crl.OP.No.35764 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2026

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.35764 of 2025

Prathiv Roshan

... Petitioner

Vs.

State represented by
Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvallur District.
(Cr.No.1220 of 2025)

.. Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, to enlarge the petitioner on bail, in the event of
his arrest in Cr.No.1220 of 2025 on the file of the Inspector of Police, H-8,
Thiruvottiyur Police Station, Thiruvallur District.

For Petitioner : Mr.Mathan Raj

For Respondent : Ms.J.R.Archana
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under
Sections 329(3), 329(4), 126(2) and 103 of BNS 2023 in No.1220 of 2025
on the file of the respondent police. seeks anticipatory bail.

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2. The case of the prosecution is that the petitioner is one of the gang members of A1 and others. Due to previous enmity, the petitioner joining hands with other accused, chase the deceased and they have attacked the indiscriminately by using knife and committed murder. Hence, the complaint has been lodged against the petitioner.

3. The learned counsel appearing for the petitioner submitted that based on the confession recorded from the co-accused, the petitioner has been implicated in this case and the petitioner was not participated in the said murder and he was not in place of occurrence. He further submitted that the petitioner is ready and co-operate with the investigation and prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that totally, there are nine accused involved in this case and the petitioner herein as ranked as A5 in this case. He further submitted that though the petitioner had accompanied with other pesons, he has not attacked the deceased. The other accused involved in this case were arrested and and no one released on bail. He also submitted that the investigation in this case is pending. Hence, she opposed the grant of anticipatory bail to the petitioner.



5. Heard the learned counsel on either side and perused the materials available on record.

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6. Considering the fact that the petitioner has not attacked the deceased and it is alleged that he has only accompanied with the other accused persons. Hence, I am inclined to grant anticipatory bail to the petitioner, subject to 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 (15) days from the date on which the order copy made, before the learned **Judicial Magistrate Court, Thiruvottiyur** on condition that the petitioner shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** **with two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioner fails to surrender before the concerned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, 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 identify proofs to ensure their identity;



(c) The petitioner shall report before the respondent police daily at 10.30 a.m., for a period of six weeks and thereafter, as and when required for interrogation;

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) The petitioner shall not abscond either during investigation or trial:

(f) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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Vv



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K.RAJASEKAR, J.

Vv

To

1. The Judicial Magistrate Court, Thiruvottiyur
2. The Inspector of Police,
H-8, Thiruvottiyur Police Station,
Thiruvallur District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.

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