



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-07-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16783 of 2026

1.A.Devaraj
46/1,Thilagar Street,
D.G. Pudur,Periyakodiveri – 638503,
Gobichettipalayam Taluk,
Erode district

2.K.Kalaimani
W/o.A.Devara,
46/1,Thilagar Street,
D.G. Pudur,Periyakodiveri - 638503,
Gobichettipalayam Taluk,
Erode District.

3.D.Ilakkiyapavai
D/o.A.Devara,
46/1,Thilagar Street,
D.G. Pudur,Periyakodiveri - 638503,
Gobichettipalayam Taluk,
Erode District.

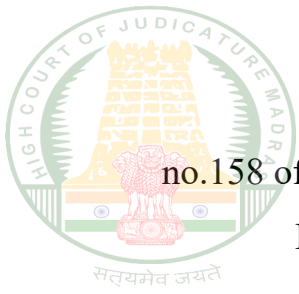
..Petitioners/ Accused 1
to 3

Vs

The State of Tamilnadu rep by
The Inspector of Police
Bangalapudur Police Station,
Erode District.
Crime no.158 of 2026

..Respondent/
complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, Act, 2023, to grant Anticipatory Bail to the
petitioners in the event of their arrest or surrender in connection with Crime



no.158 of 2026 pending investigation on the file of the Respondent Police.

For Petitioners:

Mr.N.Manokaran

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For Respondent(s):

Ms.R.S.Indira

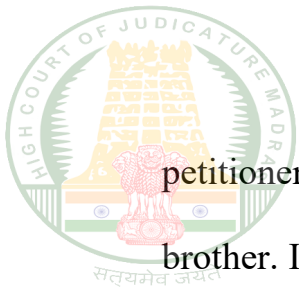
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 296(b), 115(2), 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women (Amendment) Act ,2002 in Crime No. 158 of 2026 on the file of the respondent police seek anticipatory bail.

2. The allegation against the petitioners is that the defacto complainant and the accused are neighbours and that a civil dispute relating to the complainant's house is pending between the parties before this Court. It is the allegation against the petitioners is that they had been threatening the defacto complainant to vacate the said house. On 16.06.2026 at about 11:15 a.m., the petitioners abused the defacto complainant in filthy and obscene language for refusing to vacate the house, and that the first accused allegedly assaulted her by repeatedly hitting the defacto complainant's head and face, which was intervened and prevented by the neighbours. Hence, a case has been registered.

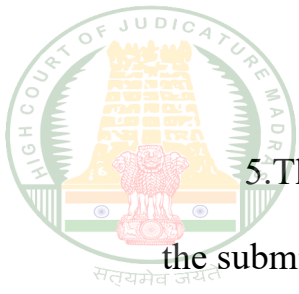
3. The learned counsel for the petitioners submitted that the first petitioner is the husband of the defacto complainant's sister-in-law and the father of



petitioners 2 and 3. The defacto complainant is the wife of the first petitioner's brother. It is further submitted that the defacto complainant had earlier instituted a civil suit in O.S. No. 181 of 1992 on the file of the learned Sub Court, Gobichettipalayam, seeking partition and separate possession of a one-third share, and the suit was decreed. Aggrieved by the said decree, the first petitioner preferred First Appeal in A.S. No. 73 of 2002 before the learned I Additional District Court, Erode, which was allowed. Challenging the said judgment, the defacto complainant filed a second appeal in S.A. No. 2130 of 2004 before this Court, and the same is still pending consideration.

3.1. He further submitted that the petitioner is innocent and he has not committed any offence as alleged by the defacto complainant and they have been falsely implicated in this case. He further submitted that they are ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and opposed to grant anticipatory bail to the petitioners.

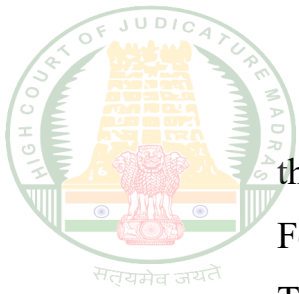


5. This Court has considered the submissions made on either side. From the submissions of both side learned counsels, it is seen that the present case is a counter case arising out of the same occurrence. It is also not in dispute that no person sustained any injury in the incident. Further, the defacto complainant is a close relative of the petitioners, and the first petitioner is a senior citizen and the petitioners 2 and 3 are women. Taking into consideration the totality of the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioners is not required. I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned Judicial Magistrate-I, Gobichettipalayam, on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only), each with two sureties each, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the petitioner fails to surrender before the concerned learned 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



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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 petitioners shall appear before the respondent police as and when required for the purpose of interrogation.

(d) 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]***;

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

02-07-2026

JRS

To

1.The Judicial Magistrate-I, Gobiccettipalayam.

2. The Inspector of Police
Bangalapudur Police Station,
Erode District.
Crime no.158 of 2026

3. The Public Prosecutor, Madras High Court.



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C.KUMARAPPAN, J.

JRS

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