



WEB COPY



CRL.O.P.No.32442 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.12.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

**CRL.O.P.No.32442 of 2024**

1.Kumar  
2.Sankar  
3.Iyyanar  
4.Sathish @ Sathishkumar

... Petitioners/A1 to A4

Versus

State rep by  
The Inspector of Police,  
Marakkanam Police Station,  
Tiruppur District.  
(Crime No.866 of 2024)

... Respondent

**Prayer:-** Criminal Original Petition filed under Section 483 of BNSS Act,  
to enlarge the petitioners on bail in the event of their arrest in Crime  
No.866 of 2024 pending on the file of the respondent.

For Petitioners : Mr.T.V.G.Kartheeban

For Respondent : Mr.R.Vinothraja  
Government Advocate (Crl. Side)



CRL.O.P.No.32442 of 2024

**ORDER**

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 and Section 4 of The Prohibition of Harassment of Women Act, 2002 in Crime No.866 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 07.12.2024 at about 05.00 p.m., the petitioners assaulted the de-facto complainant's brother in their field, which was intervened by the de-facto complainant, whereby the petitioners abused the de-facto complainant in filthy language and assaulted them and caused injuries to them. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they had not committed any offence as alleged by the prosecution. He would further submit that due to previous civil dispute between the petitioners and the de-facto complainant, a counter complaint has been given against the de-facto complainant and a case was registered in Crime No.865 of 2024. He would further submit that



CRL.O.P.No.32442 of 2024

the petitioners are ready to abide by any condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) would submit that due to previous enmity, the petitioners abused the de-facto complainant and her brother in filthy language and attacked them. He would further submit that the injured have already been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6.Considering the facts and circumstances of the case and there is a case and case in counter, 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 anticipatory bail in the event of arrest or on their appearance, within a



CRL.O.P.No.32442 of 2024

period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Tindivanam, on condition that the petitioners shall execute a bond each for a sum of **Rs.10,000/-(Rupees Ten Thousand only)** with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of 30 days and thereafter as and when required for interrogation.

[c] the petitioners shall not tamper with the 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



CRL.O.P.No.32442 of 2024

and the petitioners are released on anticipatory 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 229-A IPC.

**27.12.2024**

rsi/sli

**To**

- 1.The Inspector of Police,  
Marakkanam Police Station,  
Tiruppur District.
- 2.The Judicial Magistrate No.II,  
Tindivanam.
- 3.The Public Prosecutor,  
High Court, Madras.

**L.VICTORIA GOWRI, J.**

rsi/sli



WEB COPY



CRL.O.P.No.32442 of 2024

**CRL.O.P.No.32442 of 2024**

**27.12.2024**