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CRL OP NO.85 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 85 of 2025

1.Muthaiyan

2.Santhi

...Petitioners

Vs

The State Rep by
The Sub Inspector of Police,

Deevattipatti Police Station

Salem District

Crime No. 625 of 2024.

...Respondent

Prayer: Criminal Original Petition filed under Section 482 of BNSS, praying to enlarge the petitioners on bail in the event of their arrest in connection with the Crime No. 625 of 2024 pending investigation on the file of the respondent.

For Petitioners : Mr.Sivakumar Subramaniam

For Respondent : `Mr.S.Santhosh
Government Advocate [Criminal Side].



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ORDER

Apprehending arrest in connection with Crime No. 625 of 2024 registered for the offences punishable under Sections 296(b), 115(2) of BNS and thereafter, the respondent police altered the sections 296(b), 115(2), 351(3) of BNS r/w 4 of TNWH Act, the present petition has been filed seeking anticipatory bail.

2. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. He further submits that the petitioners and the de-facto complainant are the family members. He further submits that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the 1st petitioner and his brother were using the land disputed in question commonly. He further submits that there is no previous case pending against the petitioners. He would submit that the petitioners are ready to abide by any stringent condition that may be imposed by this court.

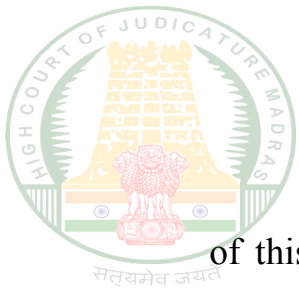


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3. The case of the prosecution, as put forth by the learned Government Advocate (Criminal Side) appearing for the respondent police, opposing for grant of bail, is that there was a property dispute between the petitioners and the de-facto complainant regarding “Cattle Feed Hay Stock”. He would further submit that the petitioners have abused filthy language and also the first petitioner kicked the de-facto complainant and the 2nd petitioner pushed back her, due to which, the de-facto complainant had sustained injuries and she was admitted to a hospital. He would further submit that the injured has been discharged from the hospital. He further submits that there is no previous case pending against the petitioners.

4. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly, they 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 of receipt of a copy



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of this order, before the learned **Judicial Magistrate Court, Omalur**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, 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 said Magistrate, 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 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 Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m until further orders;

[d] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioners shall not abscond either during



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investigation or trial;

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[f] 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 petitioner released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560];

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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A.D.JAGADISH CHANDIRA, J.

MSM

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