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Crl.O.P.No.1172 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

**Crl.O.P.No.1172 of 2025**

1. Mariyappan
2. Pachaiyammal
3. Kanaga
4. Suresh
5. Poongodi @ Panchali

... Petitioners

Vs

State rep by  
The Inspector of Police,  
Nangavalli Police Station,  
Salem District.  
(Crime No.284 of 2024)

... Respondent

**PRAYER:** The Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhitha, 2023 praying to enlarge the petitioners on bail in the event of their arrest in Crime No.284 of 2024 pending on the file of the respondent.

For Petitioner : Mr.Camyles Gandhi. W  
For Respondent : Mr.S.Santhosh  
Government Advocate (Crl.Side)



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## **ORDER**

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The petitioners, apprehend arrest for the alleged offences under Sections 75(2), 189(2), 296(b), 127(2), 115(2) and 351(2) of BNS, 2023 in Crime No. 284 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that when the defacto complainant's daughters were returning home from the work, the 1<sup>st</sup> petitioner/A1 and the 2<sup>nd</sup> accused followed, waylaid and eve-teased them. When the same was questioned by the defacto complainant/mother of the victims, a wordy quarrel arose between them due to which, the accused persons/A1 and A2 abused the defacto complainant in a filthy language and also assaulted and threatened her with dire consequences. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that there was a wordy quarrel between the petitioners and the defacto complainant, due to which, the petitioners abused the defacto complainant in a filthy language and also assaulted and threatened her. He would further submit that the injured was discharged from the hospital. He would also submit that there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. At this juncture, the petitioners undertake before this Court through their counsel that they completely keep away from the victims and their family members. If the undertaking given by the petitioners is breached, this Court will not hesitate to follow up the petitioners for contempt. The petitioners are directed to abide by the undertaking given before this Court.



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6. Considering the representations made by both sides and considering the nature of offences charged against the petitioners and considering the fact that no previous case is pending against the petitioners and also taking note of the undertaking given by the petitioners, this Court is inclined to grant **anticipatory bail** to the petitioners with certain 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 (15) days from the date of receipt of a copy of this order before the **Judicial Magistrate-I, Mettur** on condition that the petitioners shall execute a separate 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report **before the respondent police daily at 10.30 A.M. until further orders.**



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[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts of the Court or to any police officer.

[c] the petitioners shall not leave India without the previous permission of the Court.

[d] the petitioners shall not abscond either during investigation or trial.

[e] the petitioners shall make himself/herself available for interrogation by a police officer as and when required.

[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 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)AIR SCW 5560]***.



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

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**G.R.SWAMINATHAN J.**

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