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Crl.OP.No.1338 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P. No.1338 of 2025

1.Bagavathsingh
2.Madhammal

... Petitioners

Vs.

State rep. by
The Inspector of Police,
Mahendramangalam Police Station
Palacode Taluk,
Dharmapuri District.
[Crime No.128 of 2024]

... Respondent

PRAYER: Criminal Original Petitions filed under Section 482 of BNSS, 2023, pleaded to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.128 of 2024, on the file of the respondent.

For Petitioners : Mr.Selvam M
For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 296, 118(1) of BNS r/w Section 4



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of the TN Prohibition of Harassment of Women Act, 2002, in Crime No.128 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbours. On 03.11.2024, the petitioners quarrelled with and attacked the defacto complainant. Hence, the case.

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

4.The learned Government Advocate (Crl. Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioners stating that due to previous enmity, the petitioners, attacked the defacto complainant. He would further submitted that the injured has been discharged from the hospital and the petitioners are not involved in any previous case.



5. Considering the submissions of both sides and also of the fact that the victim has been discharged from the hospital and there is no previous case against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with 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 of receipt of a copy of this order before the **learned Judicial Magistrate, Palacode** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 everyday at 10 a.m. for a period of one month and thereafter, as and when required for interrogation.

[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 to the Court or to any police officer or



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tamper with the evidence;

[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] 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

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To:-

- 1.The Judicial Magistrate, Palacode.
- 2.The Inspector of Police,
Mahendramangalam Police Station
Palacode Taluk,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court of Madras.



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G.R.SWAMINATHAN, J.

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