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CRL O.P. No.1249 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.01.2025

CORAM

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP.No.1249 of 2025

1.Amsaveni
2.Neelavathi
3.Bala Dhandapani @ Bala Dhandayudapani
4.Dhandapani
5.Kumaragurparan
6.Sivakumar
7.Rathnakumar

... Petitioners

Vs

State rep. by:-

The Inspector of Police,
Uthiyur Police Station
Tiruppur District.
[Cr. No.8 of 2025]

... Respondent

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners in Crime No.8 of 2025 on the file of the respondent police.

For Petitioners : Mr.M.Arun

For Respondent : Mr.S.Santosh
Government Advocate (Criminal side).



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ORDER

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The petitioners, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 118(1), 115(2), 324(4) and 303(2) of BNS in connection with the Cr.No.8 of 2025, seeks anticipatory bail.

2. When the matter was taken up, the learned counsel for the petitioners submitted that as regards petitioners 1, 5 and 6, seeks permission to withdraw this petition, since, they are not accused in the Cr.No.8 of 2025 on the file of the respondent police. He has made an endorsement in the case bundle to that effect. Accordingly, this petition is dismissed as withdrawn with regard to the petitioners 1, 5 and 6.

3. As far as the remaining petitioners is concerned, it is the case of the prosecution that since there was a pathway dispute between the petitioners, on 10.01.2025, the other petitioners, viz., petitioners 2,3,4, and 7 and defacto complainant picked up quarrel and attacked each other. Hence, the complaint.



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4. The learned counsel for the petitioners petitioners 2,3,4, and 7 would submit that the petitioners there is also a counter case as against the defacto complainant registered on the file of the respondent police in Cr.No.9 of 2025 for the offence punishable under Sections 296(b), 115(2) and 351(3) of BNS. The learned counsel prays to grant anticipatory bail to the petitioners 2,3,4, and 7.

5. Heard both sides and perused the materials placed on record. Upon going through the averments, it is seen that there is a civil dispute pending with the defacto complainant and civil suit is also initiated and case in counter is also registered and also the victim is discharged from the hospital, I am of the view that custodial interrogation of the petitioners 2,3,4, and 7 is not warranted. Thus, this Court is inclined to grant anticipatory bail to the petitioners 2,3,4, and 7 subject to the following conditions.

6. Accordingly, the petitioners 2,3,4, and 7 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 made ready, before the learned **Judicial Magistrate, Kangayam, Tiruppur**



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District on condition that the petitioners 2,3,4, and 7 shall execute 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 learned Magistrate concerned and on further condition that:

[a] the petitioners 2,3,4, and 7 shall report before the respondent police daily at 10 a.m. for a period of one month and thereafter as and when required for interrogation.

[b] the petitioners 2,3,4, and 7 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 tamper with the evidence;

[c] the petitioners 2,3,4, and 7 shall not leave India without the previous permission of the Court;

[d] the petitioners 2,3,4, and 7 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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



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of Kerala [(2005)AIR SCW 5560].

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

17.01.2025

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To

- 1.The Judicial Magistrate, Kangayam, Tiruppur District
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Uthiyur Police Station
Tiruppur District.



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G.R.SWAMINATHAN, J.

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