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CRL O.P. No.2232 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.02.2025

CORAM:

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

CRL O.P. No.2232 of 2025

1. Selvam
2. Suguna

... Petitioners/Accused 2 and 4

Vs

The State rep. by:-

The Inspector of Police,
Ethappur Police Station, Salem,
Salem District.
(Crime No.25 of 2025)

...Respondent/Complainant

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to enlarge the petitioner on bail in the event of their arrest in Crime No.25 of 2025 on the file of the respondent police.

For Petitioners : Mr. Ganesan T

For Respondent : Mr.S.Balaji,
Government Advocate
[Criminal side]



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ORDER

The petitioners/Accused 2 and 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), and 353(3) of BNS thereafter altered into 296(b) and 109 of BNS with the case in Crime No.25 of 2025, seek anticipatory bail.

2. It is the case of the prosecution that due to a wordy quarrel in respect of a land dispute, the petitioners/A2 and A4, along with other accused, abused the *de-facto* complainant in filthy language, threatened him with dire consequences, and assaulted him. Hence, the case.

3. Learned counsel for the petitioners/A2 and A4 would submit that the petitioners are innocent, they have not committed any offences as alleged by the prosecution, and they have been falsely implicated in this case; and that the injured has been discharged from the hospital. He would further submit that a counter complaint has been given against the *de-facto* complainant, and hence, he prays for the grant of anticipatory bail.



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4. Learned Government Advocate (Criminal Side), reiterated the prosecution case and submitted that it is a case of case and counter; that the injured has been discharged from the hospital; and that one previous case is pending against the petitioners.

5. 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.

6. Considering that there is a case of case and counter, the nature of the allegations, the petitioners are on bail in the previous case, the fact that the injured has been discharged from the hospital and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on 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 days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.I,**



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Attur, on condition that each petitioner 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 investigation or trial.

[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 accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

17.02.2025

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To

- 1.The Judicial Magistrate No.I, Attur.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector Of Police, Ethappur Police Station,
Salem District.



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SUNDER MOHAN,J.

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