



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDAR MOHAN

Crl.O.P.No.2371 of 2025

1.Selvakumar

2.Tamilselvi

... Petitioners / A1 to A2

Vs.

The State Rep. by
Inspector of Police,
Sankari Police Station,
Salem District.
(Crime No.23 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
his arrest in Crime No.23 of 2025 on the file of the respondent Police.

For Petitioner : Mr.W.Camyles Gandhi

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



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ORDER

The petitioners / A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 296(b), 351(2) of BNS and Section 3 of TNPPDL Act in Crime No.23 of 2025 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and defacto complainant are siblings. Due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant. As a result, the petitioners threatened the defacto complainant with dire consequences and abused him in filthy language and also damaged the fencing stones and fencing wire worth about Rs.40,000/-. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the petitioners are the law abiding citizen and ready to abide by any stringent condition that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) for the respondent would submit that due to previous enmity, there was a wordy quarrel between the petitioners and the defacto complainant. As a result, the petitioners threatened the defacto complainant with dire consequences and abused him in filthy language and also damaged the fencing stones and fencing wire worth about Rs.40,000/-

5. Heard both side learned counsel and perused the materials available on record.

6. Considering the nature of allegation; the relationship between the petitioners and defacto complainant and since custodial interrogation of the petitioners are not required for the purpose of investigation, 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 on which the order copy was made ready, before the learned Judicial Magistrate – I, Sankari, on condition that the petitioners shall execute a bond for



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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 said Magistrate, on further condition that:

[a] 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;

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

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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]***;



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

31.01.2025

smv

To

- 1.The Judicial Magistrate – I, Sankari
- 2.The Inspector of Police,
Sankari Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

smv

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