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Crl O.P.No.2740 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2740 of 2025

1.P.Krishnan
2.Muthugopal

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Veeraganur Police Station,
Salem District.

(Crime No.169/2024)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event
of their arrest in Crime No.283 of 2024 on the file of the respondent Police.

For Petitioners : Mr.Varatharajan

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 296(b), 118(1) & 351(2) of
the BNSS, 2023 in Crime No.169 of 2024, seek anticipatory bail.



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2. The case of the prosecution is that due to family dispute with regard to taking custody of the female child, the petitioners assaulted the defacto complainant, and caused injuries. Hence, the case.

3. Learned counsel appearing for the petitioner would submit that the petitioners are innocent and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police would submit that the petitioners assaulted the defacto complainant in which defacto complainant sustained injuries. Hence, he opposed for grant of bail to the petitioners.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record.

6. Considering the nature of allegations; and that the injured has been discharged from the hospital, and since custodial interrogation is not



required, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, 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 on which the order copy is made ready, before the **Judicial Magistrate-I Ambur**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties 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.

[b] the petitioners shall report before the respondent police daily at 10.00 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[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 Petitioner in accordance with law as if the conditions have been imposed and the Petitioner is released on bail by the learned Magistrate/Trial Court himself



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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 BNS.

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Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
Veeraganur Police Station,
Salem District.

2.The Judicial Magistrate-I, Ambur.

3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN, J.

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