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Crl O.P.No.2530 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.2530 of 2025

1.Sahadevan

2.K.Selvam

3.K.Sathishkumar

4.P.Ellappan

5.P.Devan

6.P.Siva

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
Madurantakam Police Station,
Chengalpattu District.
(Crime No.45/2025)

.. 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.45 of 2025 on the file of the respondent Police.

For Petitioner : Mr.Vignesh Masilamani

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 119(1), 119(3), 329, 296(b),



351(3) of BNS r/w 4 of TNHW Act 2002 in Crime No.45 of 2025, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity, while A1/1st petitioner had dug the defacto complainant's husband land with JCB, the defacto complainant questioned A1/1st petitioner and asked him to stop; and that A1 abused her and her daughter and threatened them with dire consequences; and that on 23.01.2025, on instigation of A1/1st petitioner, the petitioners 2 to 5 went to defacto complainant's house and abused and assaulted her using iron rod and wooden logs. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners also lodged a complaint against the defacto complainant and the same was registered in Crime No.46 of 2025 and in order to counter that, the present complaint has been lodged by the defacto complainant and that the injured has been discharged from the hospital; and that custodial interrogation of the petitioners are not required for the purpose of investigation.

4. The learned Government Advocate (Crl. Side) for the respondent confirms that on the complaint given by the petitioners, a case in Crime No.46



of 2023 has been registered and the case is investigated as case and counter by the respondent and that the defacto complainant sustained minor injuries.

However, he opposed for grant of anticipatory bail.

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

6. Considering that it is a case of case and counter, injured has been discharged from the hospital; and 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 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 days from the date on which the order copy is made ready, before the **District Munsif cum Magistrate No.I Court, Madhuranthakam**, 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 10.30 a.m., until further orders.

[c] the petitioner 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 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]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

03.02.2025

Index : Yes / No
Internet : Yes / No
dpa



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To

- 1.The Inspector of Police,
Madurantakam Police Station,
Chengalpattu District.
- 2.The District Munsif cum Magistrate No.I Court,
Madhuranthakam
- 3.The Public Prosecutor,
Madras High Court,
Chennai.



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SUNDER MOHAN , J.

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