



Crl.O.P.No.2598 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM

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

Crl.O.P.No.2598 of 2025

1.Selvakumar

2.Shanmugam

...Petitioners/Accused No.1 and 3

Vs.

The State Represented by
Inspector of Police,
Harur Police Station,
Dharmapuri District.
(Crime No.28 of 2025)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in
the event of their arrest concern in Crime No.28 of 2025 on the file of the
Inspector of Police, Harur Police Station, Dharmapuri District.

For Petitioners : Mr.Prabakaran.C.

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



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ORDER

The petitioners / A1 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) 118(1) and 351(3) of BNS, 2023 in Crime No.28 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 18.01.2025, at about 4.45 p.m., when the petitioners/A1 and A3, along with other accused, were digging the public playground to construct the house with the help of JCB, the *de-facto* complainant enquired the same with the accused; and that the petitioners/A1 and A3, along with other accused, abused the *de-facto* complainant in filthy language and assaulted him with an iron rod. Hence, the case.

3. The learned counsel for the petitioners/A1 and A3 would submit that the allegations are false; that there are no previous cases pending against the petitioners; and that in any case, the custodial interrogation of the petitioners is not required and sought for anticipatory bail.



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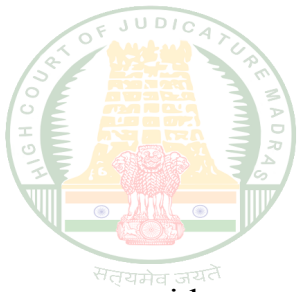
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4. The learned Government Advocate (Crl.Side) for the respondent police reiterated the prosecution case and, on instructions, submitted that the *de-facto* complainant took treatment and has now been discharged from the hospital; and that there are no previous cases pending against the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the nature of the allegations, the fact that the injured has been discharged from the hospital and that no previous case is pending against the petitioners, 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 (15) days from the date on which the order copy was made ready, before the learned **Judicial Magistrate, Harur, Dharmapuri District**, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, each



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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]***;

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



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To

- 1.The Judicial Magistrate,
Harur,
Dharmapuri District,
- 2.The Inspector of Police,
Harur Police Station,
Dharmapuri District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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