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Crl O.P.No.2555 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.2555 of 2025

1.A.Madankumar
2.Maheswari

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
T1, Town Police Station,
Chengalpattu.
(Crime No.818/2024)

.. 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.818 of 2024 on the file of the respondent Police.

For Petitioner : Mr.K.S.Purushothaman

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), 115(2), 118(1),351(3)
of BNS and u/s 4 of TNPHW Act, in Crime No.818 of 2024, seek anticipatory



bail.

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2. The case of the prosecution is that there was a wordy quarrel between the petitioners and the defacto complainant with regard to family dispute and that the petitioners assaulted the defacto complainant and the defacto complainant sustained injuries and got admitted in the hospital. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that the petitioners are close relatives of the defacto complainant and that the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the petitioners and the defacto complainant are close relatives. He would further submit that the injured has been already discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail.



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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; the fact that the injured has been already discharged from the hospital; and that custodial interrogation of the petitioners are not required for investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions:

[a] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Additional Magila Court, Chengalpattu**, 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:

[b] the petitioners shall report before the respondent police daily at 10.30 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.



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[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 Petitioner 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 BNS.

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Index : Yes / No
Internet : Yes / No
dpa

To

1.The Inspector of Police,
T1, Town Police Station,
Chengalpattu.

2. The Additional Magila Court,
Chengalpattu .

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



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SUNDER MOHAN , J.

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