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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05-02-2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 2822 of 2025

S Bhuvaneshwari
S/O. SENTHILKUMAR, 5/28/, Ganthipuram,
Ammampalayam, Salem- 636 141 and 4 Others

Petitioner(s)

Vs

State Rep By, The Inspector Of Police
Namagiripet Police Station, Namakkal District
(crime No. 274/2024)

Respondent(s)

For Petitioner(s):

Suresh Sakthi Murugan
A.Suresh Sakthi Murugan
V. Narayanan

For Respondent(s):

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 Sections 191(2), 296(b), 115(2), 351(3) of BNS, 2023 and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.274 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that there was a pathway dispute between the petitioner and the defacto complainant; that the petitioner along with other accused persons have assaulted the defacto complainant and his group with stick and hands; and that he threatened him with dire consequences.

3.The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any stringent condition that may be imposed by this Court.

4.The learned Government Advocate (Crl. Side) submits that due to pathway dispute, the petitioners attacked the defacto complainant; that there is a counter case; and that the injured persons have been discharged from the hospital.

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.



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6. Considering the nature of the complaint and custodial interrogation of the petitioners are not required for the investigation, this Court is inclined to grant anticipatory bail to the petitioners. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Rasipuram, Namakkal District**, on condition that each of the petitioner shall execute a bond for a sum of Rs.5,000/- (Rupees Five Thousand only), 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police as and when required for interrogation;

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

[d] the petitioner shall not abscond either during investigation or trial.



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SUNDER MOHAN,J.

rpl

[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 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 BNS.

05-02-2025

rpl

To

1. The Inspector Of Police
Namagiripet Police Station, Namakkal District

2.The Public Prosecutor, High Court of Madras, Chennai

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