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CRL O.P. No.3522 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1. Srikanth S/o. Elumalai
2. Andal W/o. Subarayan
3. Chinnaponnu W/o. Elumalai ... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
Gingee Police Station,
Villupuram District. ... Respondent
[Cr. No.39 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioner / Accused in Crime No.39 of 2025 on the file of the respondent police.

For Petitioner : Mr.Shimiyon Edwin.M.

For Respondent : Mr. S. Balaji,
Government Advocate
[Criminal side]



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ORDER

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The petitioner / Accused, who apprehends arrest in the hands of the respondent police for the offence punishable under Sections 296(b), 115(2), 118(1) and 351(3) of B.N.S. in connection with the case in Crime No.39 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that due to previous dispute between the parties, being relatives, with regard to their ancestral property, the petitioners had locked the property and when the defacto complainant tried to open the house, there was a wordy quarrel between the parties and the petitioners abused the defacto complainant in filthy language, attacked the defacto complainant and her younger brother on forehead using iron pipe and also threatened with dire consequences.

3. Learned counsel for the petitioners would contend that the petitioners are innocent persons; that they have been falsely implicated in this case; that the allegations are false, that there is no previous case pending against the petitioners and that in any case, custodial interrogation of the petitioners is not required and hence prayed to grant



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anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side), on instructions, fairly admitted that the injured was discharged from the hospital and there is no previous case pending against the petitioners.

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

6. Considering the nature of allegations, the fact that the injured was discharged from the hospital, that there is no previous case pending against the petitioners and since 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 on 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



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days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Gingee** on condition that the petitioners shall each execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten 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 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 1st petitioner shall report before the respondent police everyday at 10.30 a.m., until further orders;**

[c] **the 2nd and 3rd petitioners shall appear before the respondent police as and when required for interrogation;**

[d] the petitioners shall not tamper with evidence or witness either



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during investigation or trial;

[e] the petitioners shall not abscond either during investigation or trial;

[f] 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] and

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

13.02.2025

mjs

To

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1. The Judicial Magistrate, Gingee
2. The Public Prosecutor, High Court, Madras.
3. The Inspector of Police, Gingee Police Station, Villupuram District.

SUNDER MOHAN. J.,

mjs

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