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Crl.O.P.No.4196 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-02-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.4196 of 2025

1. V. Bharath

2. Vedi

Petitioner(s)

Vs

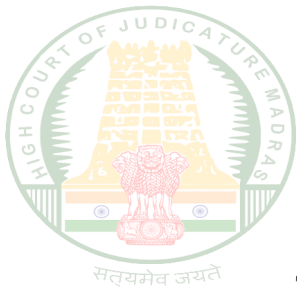
The State Rep. by
The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
(Crime No.2 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.2 of 2025 on the file of the respondent police.

For Petitioner(s) : Mr. C. Prabakaran

For Respondent(s) : Mr. Leonard Arul Joseph Selvam,
Government Advocate (Crl. Side)



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 118(1), 324(4), 324(5) and 326 of BNS in Crime No.2 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the defacto complainant is that, there was a money dispute between his father and the first accused, due to which a wordy quarrel arose between the defacto complainant's father and the first accused; that thereafter, the first accused with his henchmen assaulted the defacto complainant's father and caused injuries to him; besides trespassing into the defacto complainant's father's shop and setting fire to the shop and committed theft of a sum of Rs.4,00,000/-. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that the petitioners had never committed any offence as alleged by the prosecution; that on account of the previous complaint lodged by A1 before the respondent police against the defacto complainant's father, which was registered in Crime No.264 of 2024, as a counter claim a false



complaint was lodged by the defacto complainant's son; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for the investigation, and prayed for anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there is a counter case; that the petitioners have no bad antecedents; and that the investigation is pending and the injured has been discharged.

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

6. Taking note of the facts and circumstances of the case, the petitioners were not named in the FIR, considering the submissions made by the learned counsels on either side, the fact that the petitioners have no bad antecedents, the injured has been discharged from the hospital, the fact



there is a counter case and since 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 made ready, before **the learned Judicial Magistrate Court, Karimangalam, Dharmapuri District** on condition that the petitioners shall 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 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



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respondent police everyday 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.

[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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

28.02.2025

stn

SUNDER MOHAN, J.



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stn

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To

The Inspector of Police,
Kambainallur Police Station,
Dharmapuri District.
(Crime No.2 of 2025).

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