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Crl OP No.3935 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.3935 of 2025

1.Moorthy

2. Parthiban

3. Siva

4. Subburayalu

5. Arumugam

... Petitioners

Versus

State Rep by

The Inspector of Police,

Thiruvallam Police Station,

Vellore District.

Crime No.14 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest in connection with Cr.No.14of 2025 on the file of the respondent police.

For petitioners : Mr.S.Thirugnanam

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



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191, 296(b), 115(2), 74 and 351(3) of the Bharatiya Nyaya Sanhita (BNS)2023 and Section 4 of Tamilnadu Prohibition of Woman Harassment Act in Crime No.14 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant's family had difference of opinion with the petitioners family; that there was a peace meeting held in the presence of the villagers, that the petitioners had abused the defacto complainant in filthy language; that the same was questioned by his wife; and that a wordy quarrel arose and the petitioners assaulted the defacto complainant's wife with hands and legs and threatened them. Hence, the case.

3. Learned counsel appearing for the petitioners would submit that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case and in any case, the custodial interrogation of the petitioners is not required. Therefore, he prays to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and on instructions submitted that it is a case and case in counter and the injured has been discharged from the hospital. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

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 and the injured is discharged from the hospital and there is a case and counter case, this court is of the view that the custodial interrogation of the petitioners is not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

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 is made ready, before the **Judicial Magistrate, Katpadi, Vellore District** on condition that each of the



petitioners shall execute separate bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties 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 shall report before the respondent police station daily at 10.30 a.m., until further orders;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

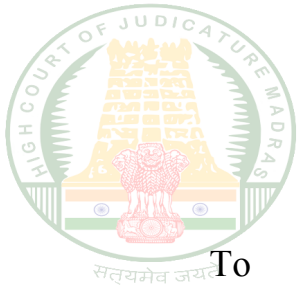
[c] the petitioners shall not abscond either during investigation or trial.

[d] 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 are 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];**

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

17.02.2025

Vv



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To

WEB COPY

1. The Inspector of Police,
Thiruvalam Police Station,
Vellore District.
2. The Public Prosecutor,
High Court of Madras,
Chennai.



WEB COPY



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SUNDER MOHAN, J.

Vv

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