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Crl OP No.4335 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

Crl.O.P.No.4335 of 2025

1. Arul alias Suresh
2. Kasthuri Gandhi

... Petitioners

Versus

The Sub Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur, Thiruvarur District.
Crime No.49 of 2025.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in connection with the complaint in Cr.No.49 of 2025 on the file of the respondent police.

For petitioners : Mr.Balajiram L P

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b), 448, 427, 352 and 506(2) of IPC in Crime No.49 of 2025, seeks anticipatory bail.



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2. The case of the prosecution is that the defacto complainant has purchased a house belonging to the 1st petitioner's family and due to that there were frequent quarrels and that A1 and A2 had waylaid the defacto complainant's vehicle, slapped her and threatened to kill her.

3. Learned counsel appearing for the petitioners would submit that the aforesaid allegations are false and that the defacto complainant has lodged a false complaint since there is a property dispute and submitted that the custodial interrogation of the petitioners is not required. Hence, he prays for grant of anticipatory bail to the petitioners.

4. Learned Government Advocate (Crl. Side) appearing for the respondent Police reiterated the prosecution case and submitted that the petitioners abused and attacked the defacto complainant.

5. Considering, the nature of allegations, the dispute between the parties and the defacto complainant, 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.



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6. Accordingly, 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, Thiruvavarur**, on condition that the 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 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 respondent police as and required for interrogations.

[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



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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]**;

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

19.02.2025

Vv

To

1. The Judicial Magistrate,
Thiruvarur
2. The Sub Inspector of Police,
Thiruvarur Taluk Police Station,
Thiruvarur, Thiruvarur District.
3. The Public Prosecutor,
High Court of Madras,
Chennai.



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SUNDER MOHAN, J.

Vv

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