



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM

THE HON'BLE MR. JUSTICE SUNDER MOHAN

CrI.O.P.No.5159 of 2025

1. V.Santhosh
2. V.Vallarasu
3. D.Karthi

... Petitioners/A1 to A3
Vs.

State, Rep. by Inspector of Police
Kondalampatti Police Station,
Salem City.
(Crime No.41 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners on bail in the event of arrest Crime No.41 of 2025, on the file of the respondent Police.

For Petitioners : Mr.V.Manimaran

For Respondent : Mr.S.Leonard Arul Joseph Selvam
Government Advocate (CrI.Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) & 351(2) of BNS Act (294(b), 115, 324, 506(1) of IPC) in Crime No.41 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, the petitioners and the defacto complainants belong to same village; that due to previous enmity, the



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petitioners picked up a wordy quarrel with the defacto complainant who was standing near a bakery with his friends and thereafter assaulted them; and thus, committed the offence.

3.Learned counsel appearing for the petitioners would submit that the petitioners are innocent persons; that they have been falsely implicated in this case; 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 (Cr1. Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the defacto complainant sustained simple injuries, got admitted in hospital and thereafter, discharged; and that there is one previous case against A2 and there are no previous cases against the petitioners/A1 and A3.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Cr1. Side) appearing for the respondent police and perused the materials available on record.

6.Taking note of the facts and circumstances of the case, nature of allegations, submissions made by the learned counsels on either side, the fact



that the injured has been discharged and since, custodial interrogation 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 (15) days from the date on which the order copy is made ready, before the learned **Judicial Magistrate No.V, Salem**, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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] 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 when required for interrogation;
- [c] the petitioners shall not abscond either during investigation or trial;
- [d] the petitioners shall not tamper with evidence or witness



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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*** reported in [(2005)AIR SCW 5560];

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

26.02.2025

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SUNDER MOHAN, J.

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To

1.The Judicial Magistrate No.V, Salem.

2.The Inspector of Police
Kondalampatti Police Station,
Salem City.

3.The Public Prosecutor,
High Court of Madras.

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