



Crl.O.P.No.5489 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

Crl.O.P.No.5489 of 2025

1.Balasubramanian

2.Deva Kumar

3.Santosh Kumar

4. Manikandan

...Petitioners/Accused 1-4

Vs.

The State Rep.by
The Inspector of Police,
Thiruvengaadu Police Station,
Mayiladuthurai District.
(Crime No.27 of 2025)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of
their arrest in connection with Crime No.27 of 2025 on the file of the respondent.

For Petitioners : Mr.M.Kabilesh

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



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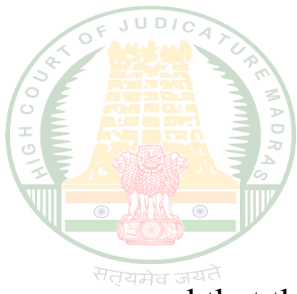
ORDER

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329, 296(b), 118(1), and 351(3) of BNS in Crime No.27 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on account of prior enmity, the petitioners/A1 to A4 trespassed into the house of the *de-facto* complainant, abused the *de-facto* complainant and his family members in filthy language and attacked them with hands and wooden logs. Hence, the case.

3. The learned counsel appearing for the petitioners/A1 to A4, submitted that the allegations are false; that there is a counter case; and that in any case, custodial interrogation of the petitioner is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side), appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the petitioners have no bad antecedents; that the injured have been discharged from the hospital;



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and that there is a counter case.

5. Considering the nature of the allegations, the facts that the injured have been discharged from the hospital, and there is a counter case, the petitioners have no bad antecedents 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.

6. 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 was made ready, before the learned **Judicial Magistrate, Sirkali, Mayiladuthurai District**, 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;



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[b] the petitioners shall report before the respondent Police, everyday at 10.30 a.m., until further orders;

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

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

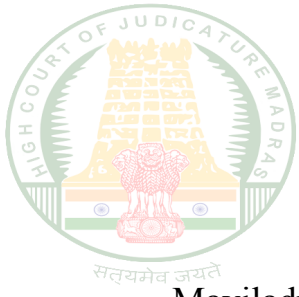
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down 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 of B.N.S.

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To
1.The Judicial Magistrate,
Sirkali,



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Mayiladuthurai District.

2.The Inspector of Police,
Thiruvengaadu Police Station,
Mayiladuthurai District.

3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.
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