



WEB COPY



CRL OP NO. 5651 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: **03.03.2025**

CORAM
THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5651 of 2025

1.N.Kalaimani
2.R.K.Shri Raam

petitioners/A2&A3

Vs

State Rep By,
The Inspector Of Police
Rasipuram Police Station,
Police Quarters, Old Bus Stand,
Rasipuram,
Namakkal District – 637 408.
(Cr.No 58 of 2025)

Respondent(s)

Prayer:

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners / Accused on
anticipatory bail in the event of arrest in Crime No. 58 of 2025 pending
on the file of the respondent police.

For petitioners(s): Mr.Hemkumar C P

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



CRL OP NO. 5651 of 2025

ORDER

WEB COPY

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 308(5), 296(b), 115(2) and 351(2) of the BNS, 2023 in Crime No. 58 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 assaulted the defacto complainant and abused him in filthy language.

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

4. The learned Government Advocate (Crl. 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 injured has been discharged from the hospital and that the petitioners have no bad antecedents.



CRL OP NO. 5651 of 2025

WEB COPY 5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

6. Considering the nature of the allegations, the fact that the injured has been discharged from the hospital, that the petitioners have no bad antecedents and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

(a) 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 of receipt of a copy of this order, before the **Judicial Magistrate, Rasipuram** on condition that the petitioners shall execute a 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 said Magistrate, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the petitioners shall report before the respondent police as and when required;

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



WEB COPY



CRL OP NO. 5651 of 2025

SUNDER MOHAN, J.

vca

[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 absconds, a fresh FIR can be registered under Section 269 of BNS.

03.03.2025

vca

To

- 1.The Inspector Of Police
Rasipuram Police Station,
Police Quarters, Old Bus Stand,
Rasipuram,
Namakkal District – 637 408.
(Cr.No 58 of 2025)
- 2.The Judicial Magistrate, Rasipuram
- 3.The Public Prosecutor,
High Court Madras.

CRL OP NO. 5651 of 2025