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Crl.O.P.No.5906 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5906 of 2025

1. V. Chellammal
2. A. Sathyamurthy

Petitioner(s)

Vs

The State Rep. by
The Inspector of Police (L&O),
Thalavai Police Station,
Ariyalur District.
(Crime No.92 of 2024).

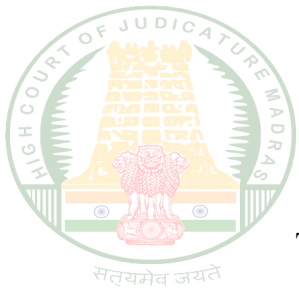
Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.92 of 2024 on the file of the respondent police.

For Petitioner(s) : Mr. R. Krishnamurthy

For Respondent(s) : Mr. S. Santhosh,
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 296(b), 118(1) and 351(3) of BNS in Crime No.92 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, the petitioners and the defacto complainant are closely related to each other; that due to previous enmity on account of their undivided ancestral property, a wordy quarrel arose between them; that thereby, the petitioners abused, assaulted and threatened the defacto complainant of dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that there is a counter case in Crime No.93 of 2024 lodged by the co-accused against the defacto complainant; 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.

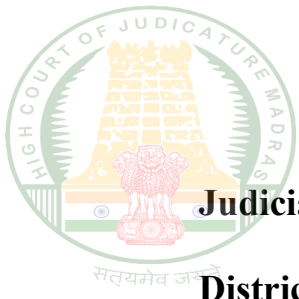


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4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioners are arrayed as A4 and A5 in this case; that they are closely related to the defacto complainant; that the petitioners have no bad antecedents; that there is a counter case against the defacto complainant; that the injured discharged from the hospital; and that the investigation is pending, hence opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that there is a counter case, the injured has been discharged from the hospital, 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 days from the date on which the order copy made ready, before **the learned**



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Judicial Magistrate cum District Munsif Court at Sendurai, Ariyalur

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District on condition that the petitioner shall execute a separate 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 on every Monday and Thursday at 10:30 a.m., for a period of two weeks and thereafter, as and when required for interrrrogation.

[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,



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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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

10.03.2025

stn

To

The Inspector of Police (L&O),
Thalavai Police Station,
Ariyalur District.
(Crime No.92 of 2024).

SUNDER MOHAN, J.

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