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CRL OP NO. 5645 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO. 5645 of 2025

1.Manikandan
2.Saroja
3.Gomathi

petitioners/A2 to A4

Vs

State Rep By, The Inspector Of Police
Mallasamudram Police Station,
Namakkal District.
(Cr.No 25 of 2025)

Respondent

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. 25 of 2025 pending
on the file of the respondent police.

For petitioners(s): Mr.S.P.Meenakshisundaram

For Respondent(s):Mr.S.Balaji, Government Advocate (Crl.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(3) of the BNS, 2023 in Crime No. 25 of 2025, on the
file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the first accused along with the other petitioners had a wordy quarrel with the de facto complainant, as a result of which the latter was attacked with iron rod and sustained injuries. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case; and in any case custodial interrogation of the petitioners is not required for the purpose of investigation and hence, he prayed for anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and on instructions submitted that the injured was discharged from hospital.

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 submissions made on either side; nature of



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allegation; that the injured was discharged from hospital 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 subject to the following 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, Tiruchengodu** 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 first petitioner shall appear before the respondent police twice a week on every Monday and Thursday at 10:30 a.m., until further orders and the second and the third petitioners shall appear before the respondent police as and when required;

[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.

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[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
Mallasamudram Police Station,
Namakkal District.
(Cr.No 25 of 2025)

2.The Judicial Magistrate Tiruchengodu

3.The Public Prosecutor,
High Court Madras.

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