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Crl.O.P.No.5910 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.No.5910 of 2025

1.R.Savithiri
2.V.Ramajayam

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.

(Crime No.20 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.20 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.Saritha Sivakumar

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



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ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory bail in Crime No.20 of 2025 registered for the offence under Sections 296(b), 115(2) & 118(1) of BNS.

2. The case of the prosecution is that due to previous enmity, the petitioners abused the defacto complainant in filthy language and assaulted the defacto complainant with iron rod, due to which, the defacto complainant sustained injuries and admitted to hospital. Hence, the case.

3. The learned counsel for the petitioners submitted that the allegations are false; that there is a counter case as the petitioners also lodged a complaint against the defacto complainant; that the petitioners have no bad antecedents and that the injured has been discharged from the hospital. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the case of the prosecution and submitted that that counter complaint has also been lodged by the petitioners against the defacto complainant; that the petitioners have no bad antecedents and the injured was discharged from the hospital.

5. Considering the nature of allegations and that there is a case and counter case; the fact that the injured has been discharged from the hospital; that the petitioners have no bad antecedents and that the custodial interrogation of the petitioners are not required for the purposes 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 of receipt of copy of this order, before the learned **Judicial Magistrate No.II, Dharmapuri** on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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, 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, 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 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 B.N.S.

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Copy to:

- 1.The Inspector of Police,
Krishnapuram Police Station,
Dharmapuri District.
- 2.The Judicial Magistrate No.II,
Dharmapuri.
- 3.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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