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CRL OP NO.5827 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **05.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.5827 of 2025

1. V.Gowthaman
2. G.Santhosh
3. Kanagammal

petitioners

Vs

State Rep By,
The Inspector Of Police,
Mecheri Police Station,
Salem District.
(Cr.No 572 of 2024)

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. 572 of 2024 pending on the file of the respondent police.

For petitioners: Mr.Prabhakaran karuppannan

For Respondent: Mr.S.Santhosh, 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), 324(2) and 351(3) of the BNS Act altered @



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Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3), 324(2) of the BNS, which is chargeable under Sections 147, 148, 294, 323, 324, 503, 426 of IPC r/w Section 4 of the TN Prohibition of Harassment of Women Act and Section 3(1) of the TN Public Property (Prevention of Damage & Loss) Act in Crime No. 572 of 2024, 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 along with the other accused assaulted the defacto complainant and abused her in filthy language.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; 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 co-accused were arrested and released on bail and that the petitioners have no bad antecedents.

5. Heard the learned counsel for the petitioners and the learned



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Government Advocate (Crl.side) for the respondent and also perused the materials available on record.

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6. Considering the nature of the allegations, the fact that the co-accused were arrested and released on bail, 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 petitioners with certain conditions.

7. 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 **Judicial Magistrate No.II, Mettur** on condition that the petitioners 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:



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[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 every day at 10:30 a.m., until further orders;

[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.

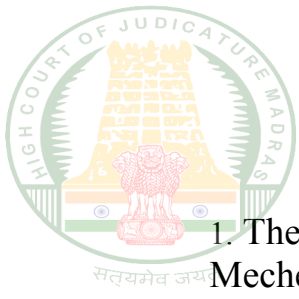
[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down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

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To



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1. The Inspector Of Police,
Mecheri Police Station,
Salem District.
(Cr.No 572 of 2024)
2. The Judicial Magistrate No.II, Mettur
- 3.The Public Prosecutor,
High Court Madras.

SUNDER MOHAN, J.



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