



Crl.O.P.No.5630 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2025

CORAM

THE HON'BLE MR.JUSTICE **SUNDER MOHAN**

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1. Ammachi @ Ammasi
2. Dineshkumar

...Petitioners/Accused (A1 and A2)

Vs.

The State Rep. by
The Inspector of Police,
Omalur Police Station,
Salem District.
(Crime No.89 of 2025)

...Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.89 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Dhasarathan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)



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ORDER

The petitioners/accused (A1 and A2), who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS (under Sections 294(b), 323, 324 and 506(2) of the IPC) in Crime No.89 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/A1 and A2 threatened the *de-facto* complainant's father and his family members; and that the petitioners assaulted the *de-facto* complainant and his family members with iron rods and brick stones. Hence, the case.

3. The learned counsel appearing for the petitioners/A1 and A2 submitted that the allegations are false; and that in any case, custodial interrogation is not required and sought for anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side), appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioner, reiterated the prosecution case and, on instructions, submitted that the injured has



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been discharged from the hospital.

5. Considering the nature of the allegations, the fact that the injured has been discharged from the 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 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 (15) days from the date on which the order copy was made ready, before the learned *Judicial Magistrate, Omalur, Salem District*, on condition that the petitioners shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)**, each 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



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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 petitioner 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

- 1.The Judicial Magistrate,
Omalur,
Salem District.
- 2.The Inspector of Police,
Omalur Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras.



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SUNDER MOHAN, J.

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