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CRL O.P. No.5780 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.5780 of 2025

- 1.Vijay S/o. Murugesan
2. Kathar Pasha S/o. Muthukumar.
3. Dhanush S/o. Balakrishnan ... Petitioners / Accused

Vs

State rep. by:-

The Inspector of Police,
Pollachi Town East Police Station,
Coimbatore District. ... Respondent
[Cr. No.183 of 2025]

PRAYER: - The Criminal Original Petition is filed under Section 482 of B.N.S.S., praying to grant anticipatory bail to the petitioners / Accused in Crime No.183 of 2025 on the file of the respondent police.

For Petitioner : Mr.Narayana Prasadh

For Respondent : Mr.S. Santhosh
Government Advocate
[Criminal side]

ORDER



CRL O.P. No.5780 of 2025

WEB COPY

The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offence punishable under Sections 296(b), 118(1) and 351(3) of B.N.S. in connection with the case in Crime No.183 of 2025, seek anticipatory bail.

2. The case of the prosecution is that while consuming alcohol, there was a quarrel arose between the accused and the defacto complainant, thereby, the accused abused the defacto complainant in filthy language and both the parties assaulted each other, using stones. There is a counter case pending against the defacto complainant based on the complaint given by the 1st petitioner.

3. Learned counsel for the petitioners would contend that the allegations against the petitioners are false; that there is a counter case against the defacto complainant and that in any case, custodial interrogation of the petitioners is not required and hence prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to



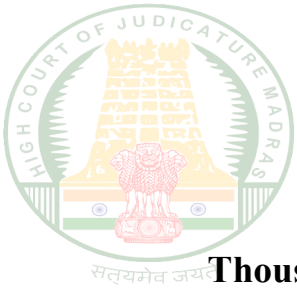
CRL O.P. No.5780 of 2025

WEB COPY

the petitioners, reiterated the prosecution case and on instructions, submitted that the injured has been discharged from the hospital; and that the 2nd petitioner has one previous case, in which, he is on bail and the other petitioners have no bad antecedents.

5. Considering the nature of allegations against the petitioners, the fact that there is a counter case pending against the defacto complainant, the injured was discharged from the hospital, the 2nd petitioner is on bail in other case, the petitioners 1 & 3 have no bad antecedents and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on 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 a copy of this order, before the learned **Judicial Magistrate No.I, Pollachi** on condition that the petitioners shall each execute a separate bond for a sum of **Rs.10,000/- (Rupees Ten**



CRL O.P. No.5780 of 2025

WEB COPY

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 conditions that:

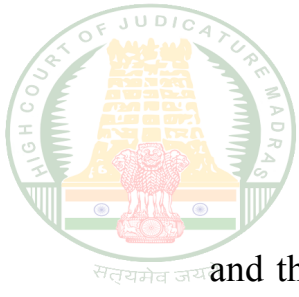
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police everyday 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 petitioner in accordance with law as if the conditions have been imposed



CRL O.P. No.5780 of 2025

WEB COPY

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]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

03.03.2025

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To

- 1.The Judicial Magistrate No.I, Pollachi.
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Pollachi Town East Police Station, Coimbatore District.

SUNDER MOHAN. J.,

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WEB COPY



CRL O.P. No.5780 of 2025

CRL O.P. No.5780 of 2025

03.03.2025