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Crl.O.P.No.6026 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.6026 of 2025

1.Dyalan
2.Pavunu

...Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.

(Crime No.33 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.33 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.S.Sasikumar

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



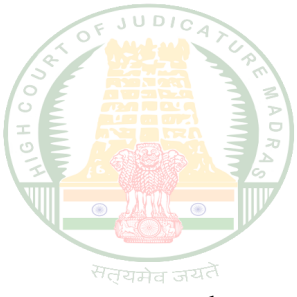
ORDER

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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.33 of 2025 registered for the offence under Sections 296(b), 118(2) and 351(3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act.

2. The case of the prosecution is that on account of previous enmity, the petitioners had abused the defacto complainant in filthy language, pursuant to the wordy quarrel, the petitioners had attacked the defacto complainant with iron rod and threatened them of dire consequences. Hence, the case.

3. The learned counsel for the petitioners submitted that the allegations are false; that the petitioners have no bad antecedents; that there is a civil dispute between the parties; that the injured was discharged from the hospital and that in any case, custodial interrogation of the petitioners is not required for further investigation. Hence, he prays for grant of anticipatory bail to the petitioners.



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4.Mr.U.Gowrishankar, learned counsel for the defacto complainant, however vehemently opposed for grant of anticipatory bail and submitted that the injured had suffered grievous injuries though he is now been discharged from the hospital.

5. Learned Government Advocate (Crl.Side) appearing for the respondent police, reiterated the case of the prosecution and submitted that the petitioners have no bad antecedents and the injured was discharged from the hospital.

6. Considering the relationship between the parties and nature of allegations and 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.



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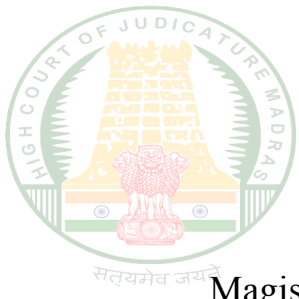
7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before the learned **District Munsif cum Judicial Magistrate, Gummidipoondi** on condition that the petitioners 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 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 first petitioner shall stay at Cuddalore and report before the Cuddalore New Town Police Station, Cuddalore everyday at 10.30 a.m, until further orders and the second petitioner shall report before the respondent Police twice a week i.e., on every Monday and Friday 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.

04.03.2025

rkp

Copy to:

- 1.The Inspector of Police,
Arambakkam Police Station,
Thiruvallur District.
- 2.The Inspector of Police,
Cuddalore New Town Police Station,
Cuddalore District.
- 3.The District Munsif cum Judicial Magistrate,
Gummidipoondi.
- 4.The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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