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Crl.OP.No.7453 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.OP.No.7453 of 2025

1. Ponnusamy
2. Marimuthu
3. Thangavel

... Petitioner(s) /Accused

Vs.

State rep. by

The Inspector of Police, Uthiyur Police Station,

Tiruppur District.

Crime No.43 of 2025

... Respondent(s)/ Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nyaya Sanhita, 2023, to enlarge the petitioners on bail in the event of his arrest in Crime No.43 of 2025, on the file of the respondent police.

For petitioner(s) : Mr.K.Govi Ganesan

For Respondent(s) : 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), 118(1) and 351(3) of BNS (294(b), 324, 506(ii) of IPC) r/w Section 4 of TNPHW Act, in Crime



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No.43 of 2025, seek anticipatory bail.

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2. The case of the prosecution is that, the petitioners attacked the defacto complainant and abused her in filthy language.

3. The learned counsel for the petitioners would submit that the petitioners had also lodged a complaint against the defacto complainant, and in order to counter that, the present complaint has been lodged by the defacto complainant; 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 confirms that, on the complaint given by the petitioners, a case has been registered and is being investigated as a case and counter by the respondent.

5. Considering that it is a case of case and counter; 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 days from the date on which the order copy is made ready, before the **Judicial Magistrate, Kangeyam**, on condition that the petitioner shall execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with two sureties 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:

[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;



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[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.

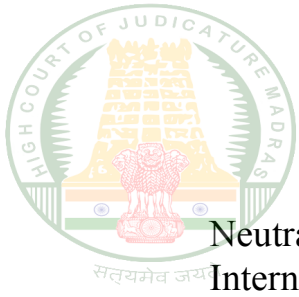
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the Petitioners in accordance with law as if the conditions have been imposed and the Petitioners released on bail by the learned Magistrate/Trial Court himself as laid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

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- To
1. The Inspector of Police,
Uthiyur Police Station,
Tiruppur District.
 2. The Public Prosecutor,
Madras High Court,
Chennai.
 3. Judicial Magistrate, Kangeyam.



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SUNDER MOHAN, J.

skr

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