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Crl.O.P.No.8606 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-03-2025

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THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8606 of 2025

1. Periyasami
S/o. Veeramuthu
2. Selvaguru @ Selvaguruselvam
S/o. Periyasami

....Petitioners/Accused

Vs

The State Rep. by
The Inspector of Police,
Pennadam Police Station,
Cuddalore District
Crime No.25 of 2025

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.25 of 2025 on the file of the respondent police.

For Petitioners : Mr. Thirumalaivasan Pachiyappan

For Respondent : Mr. S.Balaji
Government Advocate (Crl. Side)



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 329(4), 296(B), 115(2), 118(1), 351(3) and 109 of BNSS, 2023, in Crime No.25 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 17.01.2025, when the defacto complainant went to his native place to celebrate Pongal festival with his brother's family, the petitioners, who are having previous enmity with his brother's family, abused the defacto complainant in filthy language and attacked him with koduval, due to which the defacto complainant sustained injuries and was admitted to the Hospital. Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case; that there is a counter case lodged by the petitioners against the defacto complainant; and that the petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertake to appear and to co-operate for



the investigation, and prayed for anticipatory bail to the petitioners.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that there is a counter case against the defacto complainant; that the injured has been discharged from the hospital; and that the investigation is pending, and opposed for grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, considering the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that there is a counter case, 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 days from the date on which the order copy made ready, before **the learned**



Judicial Magistrate, Thittakudi, on condition that each of the petitioner

shall execute a 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:

[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 stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Tiruchirappalli, daily 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



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Crl.O.P.No.8606 of 2025

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 abscond, a fresh FIR can be registered under Section 269 of B.N.S.

24.03.2025

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To

1. The Judicial Magistrate, Thittakudi
2. The Inspector of Police,
Cantonment Police Station, Tiruchirappalli.
3. The Inspector of Police,
Pennadam Police Station,
Cuddalore District
Crime No.25 of 2025
4. The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.8606 of 2025



SUNDER MOHAN, J.

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