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CRL OP NO.8403 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.03.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8403 of 2025

1. Balakrishnan
2. Sivagami

Petitioners/A1 & A2

Vs

State Rep By,
The Inspector Of Police
Uthiyur Police Station,
Tiruppur District.
(Cr.No 42 of 2025)

Respondent

Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 to enlarge the petitioners / Accused on
anticipatory bail in the event of arrest in Crime No. 42 of 2025 pending
on the file of the respondent police.

For petitioners : Mr.Prabakar Ramasamy
For Respondent : 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 the BNS Act in Crime No. 42 of 2025, on the file of



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the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that on account of prior enmity due to land pathway dispute, the petitioners assaulted the de facto complainant with an iron rod and abused him in filthy language.

3. The learned counsel appearing for the petitioners submitted that the allegations are false; the petitioners have no bad antecedents 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 on instructions submitted that the de facto complainant's hand was fractured and he was discharged from the hospital, that there is a counter case and that the petitioners have no bad antecedents.

5. Considering the nature of the allegations, the fact that the injured has been discharged from the hospital, the petitioners have no



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bad antecedents, that there is a counter case and since, custodial interrogation is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with one of the condition that *the petitioners shall stay at Coimbatore for a period of two weeks* and subject to the other 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 **Judicial Magistrate Court, Kangayam** 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 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.



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[b] the first petitioner shall report before the Inspector of Police, Race Court, Coimbatore daily at 10:30 a.m, for a period of two weeks and thereafter, before the respondent police as and when required; and the second petitioner shall report before the respondent police as and when required.

[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 of B.N.S.



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To:

1. The Inspector Of Police
Uthiyur Police Station,
Tiruppur District.
2. The Judicial Magistrate Court,
Kangayam.
3. The Public Prosecutor,
High Court Madras.
4. TheInspector of Police, Race Court,
Coimbatore



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SUNDER MOHAN,J.
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