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CRL O.P. No.8552 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 24.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

CRL O.P. No.8552 of 2025

1. A. Muthusamy S/o. Angana Gounder
2. Kanakeshwari W/o. Muthusamy
3. Murugan S/o. Muthusamy ... Petitioners / Accused 1 to 3

Vs

State rep. by:-

The Inspector of Police,
Mahalingapuram Police Station,
Pollachi,
Coimbatore District. ... Respondent
[Cr. No.46 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.46 of 2025 on the file of the respondent police.

For Petitioner : Mr. Narayana Prasadh

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

ORDER



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The petitioners / Accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 329(3), 296(b), 115(2) and 351(3) of B.N.S. and Section 4 of Tamil Nadu Women Harassment Act in connection with the case in Crime No.46 of 2025, seek anticipatory bail.

2. The case of the prosecution is that due to the dispute with regard to the common pathway and water pipe line, there was a wordy quarrel between the parties, abused in filthy language and attacked each other.

3. Learned counsel for the petitioners would contend that the allegations against the petitioners are false; that the 1st petitioner herein, has lodged a complaint against the defacto complainant and others; that false complaint has been lodged against the petitioners; and that in any case, custodial interrogation of the petitioners is not required and hence prayed to grant 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



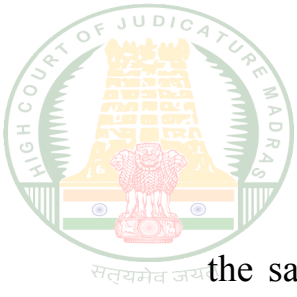
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the petitioners, reiterated the prosecution case and on instructions, submitted that the injured had taken treatment only as out patient; and that a complaint filed by the 1st petitioner against the defacto complainant and others is pending investigation.

5. Considering the nature of allegations, the fact that the injured was treated as an out patient, there is a counter case, 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.II, Pollachi** on condition that the petitioners shall each 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



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the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

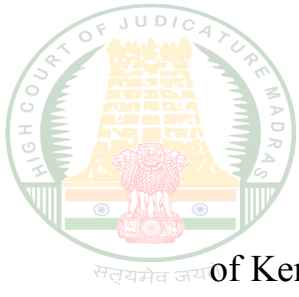
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall appear before the respondent police as and when required for interrogation;

[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



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of Kerala [(2005)AIR SCW 5560]; and
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[f] If the accused thereafter abscond, a fresh FIR can be registered
under Section 269 B.N.S.

24.03.2025

mjs

To

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

SUNDER MOHAN. J.,

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