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Crl.O.P.No.8812 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.8812 of 2025

1. Pushparaj
S/o. Chinnaraj.
2. Prabakaran
S/o. Pushparaj
3. Satheesh
S/o. Mariyappan
4. Mathesh
S/o. Boopathi
5. Alangaram
W/o. Pushparaj

....Petitioners/Accused

Vs

The State Rep. by
The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District
(Crime No.41 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.41 of 2025 on the file of the respondent police.



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For Petitioners

: Mr. P.M. Jayachandran

For Respondent

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(2) of BNSS, 2023 (under Section 147, 148, 294(b), 323, 324, 506(ii) of IPC), in Crime No.41 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 15.03.2025, the first petitioner and his family members quarreled with the *de facto* complainant, coerced him to sell his property and attacked him with a knife and also assaulted his son and threatened them of dire consequences. On account of the said attack, the *de facto* and his family members sustained injuries. Hence, the complaint.



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3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they are not involved with the said offence; that there is a counter case lodged by the petitioners against the defacto complainant, which is pending in Crime No.42 of 2025; 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.

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 there is no previous case against the petitioners; that the injured have 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



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case, the injured have 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, Uthangarai**, 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.



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[b] the petitioners shall report before the respondent police everyday 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 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.

25.03.2025

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To

1. The Judicial Magistrate, Uthangarai
2. The Inspector of Police,
Samalpatti Police Station,
Krishnagiri District
(Crime No.41 of 2025)
3. The Public Prosecutor,
High Court, Madras.



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SUNDER MOHAN, J.

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