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CRL O.P. No.9080 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.03.2025

CORAM:

THE HON'BLE MR.JUSTICE SUNDER MOHAN

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1. Vijay @ Vowal Vijay S/o. Mariyappan
2. Udayasankar S/o. Palanisamy
3. Dhanalakshmi D/o. Mariappan
4. Karthika W/o. Udayasankar ... Petitioners / Accused 1-4

Vs

State rep. by:-

The Inspector of Police,
Sooramangalam Police Station,
Salem.

... Respondent

[Cr. No.1422 of 2023]

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.1422 of 2023 on the file of the respondent police.

For Petitioners : Mr. S. Senthil Vel

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 147, 148, 324 and 506(ii) of IPC and Section 3(2)(va) of SC / ST (POA) Act 1989 @ Sections 294(b), 323, 325 of IPC and Section 4 of TNPHW Act in connection with the case in Crime No.1422 of 2023, seek anticipatory bail.

2. The case of the prosecution is that due to the dispute with regard to the purchase of land, when the defacto complainant asked the petitioners to stop working in the land, the petitioners abused the defacto complainant, assaulted him using knife and threatened of dire consequences.

3. Learned counsel for the petitioners would contend that the allegations against the petitioners are false; that initially, though the case was registered under Section 3(2)(va) of SC / ST Act, subsequently, the Section 3(2)(va) was deleted; that this is the case of dispute between the neighbours relating to the property dispute; that FIR was registered in



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2023 and the case was taken on file of learned Judicial Magistrate, Additional Mahila Court in C.C. No.1120 of 2024; that since the petitioners were not arrested by the respondent police so far, in any case, custodial interrogation of the petitioners is not required and hence prayed for grant of 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 the petitioners, reiterated the prosecution case and on instructions, confirmed the aforesaid facts and submitted that there is a counter case.

5. Considering the nature of allegations against the petitioners, the fact that there is a counter case, investigation is completed and the case is pending trial, this Court is of the view that the custodial interrogation of the petitioners is not required. Hence, 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



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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, Salem** on condition that the petitioners shall each 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 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 1st and 2nd petitioners shall report before the respondent police everyday at 10.30 a.m., until further orders; and the petitioners 3 and 4 shall appear before the respondent police as and when required for interrogation;**

[c] the petitioners shall not tamper with evidence or witness either



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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]; and

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.

27.03.2025

mjs

To

- 1.The Judicial Magistrate No.II, Salem
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Sooramangalam Police Station, Salem.

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SUNDER MOHAN. J.,

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