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Crl O.P.No.9558 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **01.04.2025**

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9558 of 2025

1. Athimathuram
2. Selvaraj
3. Vasantha Kumari
4. Amutha
5. Babu @ Ramanan

Petitioners/A1 to A5

Vs

The State Rep by,
The Inspector of Police,
Kottur Police Station,
Tiruvarur District.
(Crime No.50 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. 50 of 2025 pending
on the file of the respondent police.

For petitioners : M/s.J Jawahar
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),
296(b), 118(1) and 133 of the BNS Act, in Crime No.50 of 2025, on the
file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that on account of previous enmity, the petitioners assaulted the de facto complainant with a wooden log and abused him in filthy language.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent; that they have been falsely implicated in this case; that the petitioners and the de facto complainant are neighbours; that the petitioners have no bad antecedents and in any case, custodial interrogation of the petitioners is not required and sought anticipatory bail.

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 injured has been discharged from the hospital; and 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 bad antecedents and since, custodial interrogation is not required for the



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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 of receipt of a copy of this order, before the **learned Judicial Magistrate II, Mannargudi** on condition that the petitioners 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 said Magistrate, 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 third and the fourth petitioners shall report before the respondent police as and when required and the other petitioners, viz., the first, second and fifth petitioners shall report before the respondent police everyday at 10:30



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

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To:

1. The Inspector of Police,
Kottur Police Station,
Tiruvarur District.
2. The Judicial Magistrate II,
Mannargudi.
3. The Public Prosecutor,
Madras High Court.



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SUNDER MOHAN, J.

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