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Crl.O.P.No.9766 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP NO.9766 of 2025

1. Murugesan
2. Manikandan

(Second petitioner's name amended as per the order of this Court dated 03.04.2025 in Crl.M.P.No.6723 of 2025)

Petitioner(s)

Vs

State rep. by,
The Inspector of Police,
Komaralingan Police Station,
Tiruppur District.
(Crime No.51 of 2025).

Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioner on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.51 of 2025, on the file of the respondent police.

For Petitioner(s) : M/s. Sivavarathanan Milton

For Respondent(s) : Mr. S. Balaji,
Government Advocate (Crl. Side)



ORDER

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2. The case of the prosecution is that on account previous enmity related to a civil dispute between the petitioners and the defacto complainant; that the petitioners along with other accused came to the defacto complainant's house abused, attacked the defacto complainant and her husband and threatened them of dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and never committed any offence as alleged by the prosecution; that on account of previous civil dispute between the parties, a false complaint has been lodged against the petitioners by the defacto complainant; 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 sought for anticipatory bail to the petitioners.

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4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that the petitioners have no previous antecedents; that there is Civil dispute pending between the parties; that the injured was discharged; and that the investigation is pending, hence opposed the grant of anticipatory bail to the petitioners.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the petitioners have no bad antecedents, the injured was 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



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days from the date on which the order copy made ready, before **the learned**

Judicial Magistrate, Madathukulam 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.

[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



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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.

07.04.2025

stn

To

1. The Judicial Magistrate - I, Madathukulam.
2. The Inspector of Police,
Komaralingan Police Station,
Tiruppur District.
(Crime No.51 of 2025).
3. The Public Prosecutor,
High Court of Madras.

SUNDER MOHAN, J.



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