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CRL OP No. 12922 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL OP No. 12922 of 2025

1. M.Iyyappan

S/o.Masilamani, No. 1/100, Keezha
Street, T-Manalmedu, Tharangambadi
Taluk, Mayiladuthurai District.

2. A.Amalraj Alias Amulraj

S/o.Amirthalingam, Mainroad,T-
Manalmedu, Tharangambadi Taluk,
Mayiladuthurai District.

Petitioner(s)

Vs

1. The State rep by

The Inspector of Police, Poraiyar Police
Station, Mayiladuthurai District. Crime
No.276 of 2024

Respondent(s)

PRAYER

To enlarge the petitioners on Anticipatory bail in the event of their arrest in



Crime No.276 of 2024 Pending investigation on the file of respondent Police and thus render justice.

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For Petitioner(s): Mr.R.Thirumoorthy

For Respondent(s): Public Prosecutor

ORDER

This is the second anticipatory bail application filed by the petitioners before this Court.

2. Though the earlier anticipatory bail petition of the petitioners was dismissed by my learned predecessor Hon'ble Mr.Justice A.D.Jagadish Chandira, this petition is listed before this Court pursuant to the orders passed by the Hon'ble Division Bench of this Court in Crl.O.P.No.31787 of 2024 on 04.03.2025.

3. The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 296(b), 118(1), 353(3) of BNS in Crime No.276 of 2024, on the file of the respondent Police, seek anticipatory bail.



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4. The case of the prosecution is that the defacto complainant is an advocate, who went to the police station on behalf of his client Mrs.Malarvizhi; that the petitioners who are the friends of Malarvizhi's husband viz. Mr.Raviselvam had abused and attacked the defacto complainant and thus committed the aforesaid offences.

5. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and the earlier anticipatory bail application was dismissed by the Hon'ble Justice A.D.Jagadish Chandira; and that the petitioners have not been arrested so far; and that in any case, the custodial interrogation of the petitioners are not required and sought anticipatory bail to the petitioners.

6. 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 submitted that investigation is almost completed and final report is yet to be filed



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7. Heard the learned counsel for the petitioners, the learned Government Advocate (Criminal Side) appearing for the respondent police and perused the materials available on record.

8. The complaint was lodged in the year 2024. Though the earlier anticipatory bail application was dismissed on 05.12.2024 by Hon'ble Mr. Justice A.D. Jagadish Chandira, the petitioners have not been arrested so far. It is seen that after the dismissal of the earlier anticipatory bail application, the investigation has now been completed and the charge sheet is likely to be filed soon. Considering the aforesaid facts and the nature of the allegations, this Court is of the view that custodial interrogation of the petitioners is not required at this stage. Hence, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

9. 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 District Munsif cum Judicial Magistrate Tharangambadi, Mayiladurai



District 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 appear before the respondent police daily at 10.30 am., 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 petitioner released on bail by the learned Magistrate/Trial Court himself as laid



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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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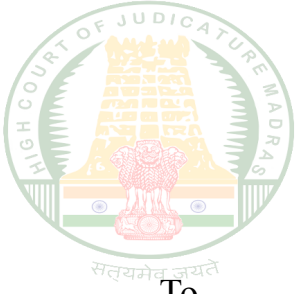
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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



CRL OP No. 12922 of 2025



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SUNDER MOHAN J.

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