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Crl.O.P.No.11243 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2025

CORAM

THE HONOURABLE MR JUSTICE SUNDER MOHAN

CRL O.P NO.11243 of 2025

1.Arun
S/o. Mani

2. Karthick
S/o. Mani

....Petitioners/Accused 1& 2

Vs

The State Rep. by
The Inspector of Police,
Omalur Police Station
Salem District
(Crime No.202 of 2025)

....Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory
bail in the event of their arrest **in Crime No.202 of 2025**, pending on the
file of the respondent police.



For Petitioners
For De facto complainant
For Respondent

: Mr. R. Prabudoss
: Mr. Jayakumar
: 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 296(b), 115(2), 118(1), 324(4) & 351(3) of BNS, in Crime No.202 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 06.04.2025, during a wordy quarrel, the petitioners attacked the *de facto* complainant and his brother and father and threatened them of dire consequences. Hence the case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent; that they have not committed any offence; that the first petitioner has lodged a complaint against the *de facto* complainant and his men, which was registered in Crime No.203 of 2025; and that the petitioners are ready to furnish sureties and to abide by any conditions that may be imposed by this Court and prayed 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 submitted that the injured have been discharged from the hospital and that the petitioners have no bad antecedents.

5. The learned counsel for the *de facto* complainant vehemently opposed the grant of anticipatory bail to the petitioners.

6. Considering, the nature of allegation against the petitioners, submissions made by the learned counsels on either side, the fact that the injured have been discharged from the hospital, and that the petitioners have no bad antecedents, 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, Omalur, 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.

[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.



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[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.

16.04.2025

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To

1. The Judicial Magistrate, Omalur
2. The Inspector of Police,
Omalur Police Station
Salem District
3. The Public Prosecutor, High Court, Madras



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SUNDER MOHAN, J.

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