

Crl.O.P.No.12615 of 2025

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2025

CORAM

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.12615 of 2025

1.Boopathi
2.Nagaraju

... Petitioners/Accused 1 & 2

Vs.

State rep by
The Inspector of Police,
Malliyakkarai Police Station,
Salem District.

(Crime No.38 of 2025)

... Respondent

PRAYER: This criminal original petition has been filed under Section 482 of BNSS to enlarge the petitioners on anticipatory bail in Crime No.38 of 2025 pending investigation on the file of the respondent police.

For Petitioners : Mr.T.Ganesan

For Intervenor : Mr.K.R.Samrat

For Respondent : Mr.A.Gopinath
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed by the petitioners, who apprehend arrest at the hands of the respondent, seeking anticipatory bail in Crime No.38 of 2025 registered for the offence under Sections 126(2), 296(b), 118(1), 351(3) of BNS, 2023.

2.It is the case of the prosecution that there was a dispute between the petitioners and the defacto complainant with regard to a pathway, due to which, the petitioners abused the defacto complainant in filthy language and assaulted him with wooden logs and caused injuries to him. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would further submit that due to previous enmity, a false complaint has been foisted. He would further submit that the petitioners are ready to abide by any condition that may be imposed by this Court and sought for anticipatory bail.



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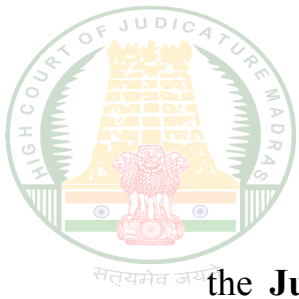
4.The learned counsel appearing for the defacto complainant/intervenor would contend that the petitioners are habitually committing the offences. Hence, he opposed the grant of anticipatory bail.

5.Per contra, the learned Government Advocate (Crl. Side) reiterated the prosecution case and confirmed that the injured has been discharged from the hospital.

6.Heard the learned counsel on either side and perused the materials available on record.

7.Considering the nature of allegations and the fact that the injured, who was taking treatment, has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of copy of this order, before



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the **Judicial Magistrate No.II, Attur**, on condition that the petitioners shall execute separate bond for sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, on further conditions that:

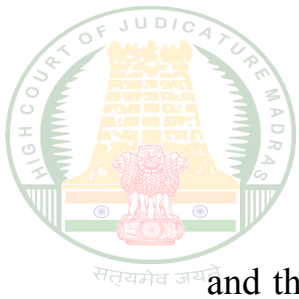
[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the jurisdictional Magistrate from Monday to Friday at 10.30 a.m., and shall appear before the respondent police on Saturday and Sunday at 05.30 p.m., until further orders:

[c] the petitioners shall not abscond either during investigation or trial;

[d] the petitioners shall not tamper with evidence or witness 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



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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*** reported in [(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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Note :

1.Registry is directed to forthwith upload this order in the official website of this Court.

2.All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

Copy to:

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



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N.SENTHILKUMAR, J.

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