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Crl.O.P. No.13857 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.13857 of 2025

1. Suresh
2. Sudhakaran

... Petitioners/ Accused 1 & 2

Vs.

The State Rep. By,
The Inspector of Police,
Thalainayar Police Station,
Nagapattinam District.
(Crime No.47 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.47 of 2025, on the file of the respondent police.

For Petitioners : Mr. K. Pragadeesh Kumar

For Respondent : Mr. R. Vinothraja
Government Advocate (Crl. Side)



ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 77, 308(2), 351(2) of BNS 2023 in Crime No.47 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are known to each other and due to a wordy quarrel the petitioners abused, assaulted and threatened the defacto complainant and her husband of dire consequences. Hence, this case.

3. The contention of the petitioners is that the petitioners are innocent and a false case has been registered against them as though the petitioners trespassed into the house of the defacto complainant and hugged the defacto complainant, in fact it is the other way around that the first petitioner's wife had lodged a complaint against the defacto complainant's husband namely Sundar @ Aravindaraj for sending unwanted messages to her whatsapp and following her, for which a case in crime No.46 of 2025 has been registered and as a counter blast the present false case has been registered against the petitioners. The learned counsel for the petitioners also produced the



Crl.O.P. No.13857 of 2025

anticipatory bail order of the defacto complainant's husband Sundar @ Aravindaraj in Crl.M.P.No.358 of 2025 by the Sessions Judge, Special Court under POCSO Act, Nagapattinam; 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.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and on instruction submitted that there is a case in counter; 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 there is a counter case 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



Crl.O.P. No.13857 of 2025

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 Munsiff cum Judicial Magistrate, Vedaranyam** 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] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stands automatically cancelled;

[b] The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

[c] the petitioners shall report before the respondent police as and when required for the interrogation;

[d] the petitioners shall not directly or indirectly cause any threat to the defacto complainant and witnesses and shall not tamper with evidence or witness either during investigation or



Crl.O.P. No.13857 of 2025

WEB COPY

trial;

[e] the petitioners shall make themselves available for interrogation by a Police office as and when required;

[f] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for Police custody beyond the first fifteen days, they shall comply to the directions as may be given by the Court in this regard;

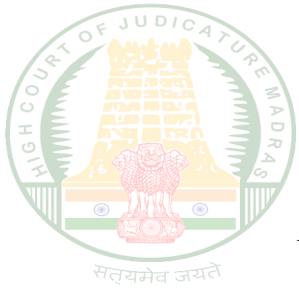
[g] the petitioners shall not abscond either during investigation or trial;

[h] 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];

M. NIRMAL KUMAR, J.

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[i] If the accused thereafter abscond, a fresh FIR can



Crl.O.P. No.13857 of 2025

be registered under Section 269 of BNS.

WEB COPY

11.06.2025

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To

1. The District Munsiff cum Judicial Magistrate,
Vedaranyam.
2. The Inspector of Police,
Thalainayar Police Station,
Nagapattinam District. (Crime No.47 of 2025)
3. The Public Prosecutor, High Court of Madras.

Crl.O.P. No.13857 of 2025