



Crl.O.P.No.15058 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.05.2025

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15058 of 2025

1.Dhanam

2.Yasotha

3.Shanmugam

... Petitioners

-VS-

The State Represented by,
The Inspector of Police,
Mettur Police Station,
Salem District.
(Crime No.143 of 2025)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, pleaded to enlarge the petitioners on bail in the
event of arrest a case in Crime No.143 of 2025 on the file of the respondent.

For Petitioners : Mr.C.Deepak Kumar

For Respondent : Mr.V.Meganathan,
Government Advocate (Crl.Side)



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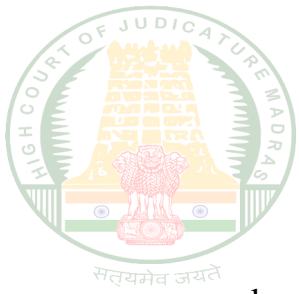
ORDER

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 189(2), 196(1), 352, 353(1), 353(3) of BNS, 2023, in Crime No.143 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a TASMACH supervisor of a shop bearing No.7182 at Elikaradu, Mettur Taluk, Salem District, on 20.03.2025 at about 12.25 pm this petitioners along with the A1 who is the District President of BJP political party and 2 other accused were came to the aforesaid TASMACH Shop, they sat down outside in front the shop with slogan boards and mumbled as against the Tamil Nadu Government, further they pasted some wall posters in front of the said shop and also issued some pamphlets as against the ruling party in event of creating enmity between two parties. Hence this case.

3. The learned counsel appearing for the petitioner submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (CrI. Side) appearing for the



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respondent submitted that the petitioners and A1 were came to the TASMACH with slogan boards and mumbled as against the Government rules and also issued some pamphlets. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, 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 before the *learned Judicial Magistrate No.1, Mettur*, on condition that the petitioners 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) if the petitioners fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand 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 their Aadhar card or Bank pass Book to ensure their identity;



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(c) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of 30 days;

(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 trial;

(e) the petitioners shall make himself 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, he 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 petitioner 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];



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(i) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 B.N.S.2023.

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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 the official website of this Court will be watermarked and will also have a QR code.”

To

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



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M.NIRMAL KUMAR, J.

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