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Crl.O.P. No.14991 of 2025

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.14991 of 2025

1.Gopi
2.Geetha

... Petitioners/A1 & A2

/versus/

State represented by
The Inspector of Police,
Pernambut Police Station,
Pernambut, Vellore District.
Crime No.116 of 2025

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of BNSS Act, to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police pending investigation in Crime No.116 of 2025 on the file of the respondent police.

For Petitioner : Mr.Vinodh Kumar

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



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ORDER

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2. The case of the prosecution is that on 18.04.2025 the defacto complainant along with the petitioner and others was consuming alcohol. At that time, the first petitioner entered into a wordy quarrel with the defacto complainant and also attacked him with hands and legs. Subsequently, the wife/2nd petitioner and son-in-law of the first petitioner abused the defacto complainant in filthy language and assaulted him with hands and spatula (karandi) and also threatened him with dire consequences. Hence the case was registered.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that there is a case in counter against the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. Side) appearing for the respondent reiterated the prosecution case and opposed for the grant of anticipatory the bail to the petitioners.

5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) for the respondent Police and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Gudiyatham, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled;



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[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 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 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, 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 petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs.



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State of Kerala [(2005)AIR SCW 5560];

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

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ssi/at

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.

To

- 1.The Judicial Magistrate,
Gudiyatham.
- 2.The Inspector of Police,
R-10, MGR Nagar Police Station,
Chennai 600 083.
- 3.The Public Prosecutor,
High Court, Madras.

M. NIRMAL KUMAR, J.

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