



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.05.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.15290 of 2025

1.Sundaramoorthy

2.Gangatharan

.. Petitioners

Vs.

The State rep by
The Inspector of Police,
R.K.Pet Police Station,
Tiruvallur District.
(Crime No.154 of 2025)

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the
event of arrest in Crime No.154 of 2025 on the file of the respondent police.

For petitioners : Mr.G.P.Sivakumar

For Respondent : Mr.V.Meganathan

Government Advocate(Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Section 296 (b), 115 (2), 118 (1),
351 (3) of BNS Act and Section 4 of Tamilnadu Prohibition of Harassment
of Women Act, 2002, in Crime No.154 of 2025, seek anticipatory bail.



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2.The case of the prosecution is that due to money dispute, wordy quarrel arose between both the families of the petitioners and the defacto-complainant and then they have attacked each other with hands, pursuant to which, the defacto-complainant got injured and admitted to Hospital. Hence the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they had been falsely implicated in this case. He further submitted that the custodial interrogation of the petitioners is not required and sought for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police, while opposing the grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that the injured has been discharged from the hospital and the petitioners have no previous case.



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5. Having heard the learned counsel for the petitioners and the learned Government Advocate (Criminal 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, they 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 District Munsif cum Judicial Magistrate, Pallipet**, on condition that the petitioners shall execute a separate bond for a 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 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 any one of identify proofs to ensure their identity;



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[c] the petitioners shall report before the respondent Police daily at 10.30 a.m until further orders;

[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];



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

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15.05.2025

Index : Yes / No
Internet : Yes / No
rkp/ep

To

- 1.The Inspector of Police,
R.K.Pet Police Station,
Tiruvallur District.
- 2.The District Munsif cum Judicial Magistrate, Pallipet.
- 3.The Public Prosecutor,
Madras High Court, Chennai.



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Crl.OP.No.15290 of 2



M.NIRMAL KUMAR, J.

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Crl.O.P.No.15290 of 2025

15.05.2025