



Crl.O.P.No.16853 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

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THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.16853 of 2025

1. Dinesh @Kumar

2. Rajesh @ Babu

... Petitioners

Vs.

State rep by
Inspector of Police
Gudiyatham Police Station
Gudiyatham, Vellore District.
Crime No.187 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 their arrest pending investigation in Crime No.187 of 2025 on the file of the Inspector of Police, Gudiyatham Police Station, Gudiyatham, Vellore District.

For Petitioner : Mr.Vinodh Kumar.G

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



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(2), 303(2) of BNS, 2023 in Crime No.187 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a money dispute between the petitioners and the defacto complainant due to which, a wordy quarrel arose between them in which the petitioners assaulted the defacto complainant and also abused him in a filthy language. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. Petitioners are ready to abide any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for their release. Hence, the learned counsel prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that the petitioners have assaulted the defacto complainant and also abused him in a filthy language. Hence, he vehemently opposed for grant of anticipatory bail to the petitioners.



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5. 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.

6. Considering the submissions made by the learned counsel appearing on either sides, nature of allegation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. 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 on which the order copy made ready, before **the learned Judicial Magistrate, Gudiyatham** on condition that each of 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, and on proof of payment of deposits, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[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;

[c] the petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for 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 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;



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[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];

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

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To

1. The Judicial Magistrate, Gudiyatham

2. Inspector of Police
Gudiyatham Police Station
Gudiyatham, Vellore District.

3. The Public Prosecutor,
High Court of Madras.

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This matter is posted today under the caption 'For being mentioned' at the instance of the learned counsel for the petitioner.

2. When the matter is taken up for hearing, the learned counsel for the petitioner brought it to the notice of the Court that in the cause title, the respondent police station has been wrongly mentioned as Gudiyatham Police Station instead of Gudiyatham Town Police Station.

3. In view of the same, necessary corrections to be carried out in the cause title of the petition.

In the cause title, the respondent police “the Inspector of Police, Gudiyatham Police Station, Gudiyatham, Vellore District” shall be replaced with “the Inspector of Police, Gudiyatham Town Police Station, Gudiyatham, Vellore District”



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4. Registry is directed to issue fresh order copy by incorporating the above said changes.

02.07.2025

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