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Crl.O.P. No.17177 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2025

CORAM

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No.17177 of 2025

1. K. Shambu @ K. Shampu
2. K. Chandran
3. R. Kishore
4. M. Kathirvel

... Petitioners/ Accused 1 to 4

Vs.

The State Rep. By,
The Inspector of Police,
Poolampatti Police Station,
Salem District.
(Crime No.148 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police concerned in Crime No.148 of 2025, on the file of the respondent police.

For Petitioners : Mr. S. Senthilvel for (A. Saravanan)

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



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Crl.O.P. No.17177 of 2025

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(2) of BNS, 2023 in Crime No.148 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's vehicle bearing Registration No.TN-57-AD-8340 was seized by the Tahsildar, Edappadi on account of illegal transportation of red soil in his vehicle; that it is further alleged that the above seizer was made based on the complaint of the second petitioner herein; that while the defacto complainant along with his relative enquired about the same to the second petitioner, the petitioners have abused the defacto complainant using filthy language and assaulted him and his relative. Hence, this case.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case and they had never committed any offence as alleged by the prosecution; that on account of previous enmity and the fact that the defacto complainant



misconstrued that the second petitioner herein had given complaint with the officials regarding illegal transportation of red soil in the defacto complainant's vehicle, the defacto complainant picked up a quarrel with the second petitioner and lodged a false case against the petitioners; and that the petitioners are ready to produce solvent sureties and to abide by any stringent 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 on account of previous business enmity between the petitioners and the defacto complainant both parties abused and exchanged blows; that two persons were injured and discharged from the hospital; 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



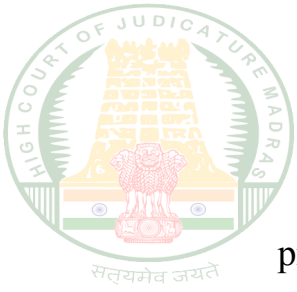
Crl.O.P. No.17177 of 2025

counsels on either side 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 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 Munsif Cum Judicial Magistrate, Edappadi** 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



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proofs to ensure their identity;

[c] the petitioners shall report before the respondent police everyday at 10:30 a.m., for a period of two 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 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



WEB COPY



Crl.O.P. No.17177 of 2025

M. NIRMAL KUMAR, J.

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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.

19.06.2025

stn

To

1. The District Munsif Cum Judicial Magistrate, Edappadi.
2. The Inspector of Police, Poolampatti Police Station, Salem District.
(Crime No.148 of 2025)
3. The Public Prosecutor, High Court of Madras.

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