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CrI.O.P.No.17619 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17619 of 2025

1.Sugel
2.Sankaran

... Petitioners

Vs

The Inspector of Police,
Kitchipalayam Police Station,
Salem District.
(Crime No.121/2025).

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in
the event of arrest in Crime No.121 of 2025 on the file of the respondent.

For Petitioners	:	Mr.C.Deepak Kumar
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 Sections 126(2), 296(b), 310(2), 311
and 351(3) of BNS in Crime No.121 of 2025, on the file of the respondent
Police, seek anticipatory bail.



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2.The case of the prosecution is that on 13.04.2025 at about 08.45 a.m., when the defacto complainant was going near Katchipalayam Gandhi Nagar burial ground, the petitioners along with other stopped the defacto complainant and asked money to buy alcohol. When the defacto complainant refused, all the accused scolded him in filthy language and took Rs.7,200/- from the defacto complainant's pocket by showing knife. When the defacto complainant raised alarm for help, the accused started attacking him with knife and made stab injuries all over the body. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent person and they have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. He further submitted that only on the confession of co-accused, the petitioner is arrayed as accused. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.Learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution case and opposed for grant of



anticipatory bail to the petitioners. He further submitted that already A2, A3 and A6 were granted bail by the lower Court and that the 2nd petitioner is having one previous case under Section 304(A) IPC. Further, the 1st petitioner/A5 was arrested and remanded to judicial custody.

5.Considering the submissions made by the learned counsel appearing on either sides and taking note of the nature of the allegations, this Court is inclined to grant anticipatory bail to the 2nd petitioner alone with certain conditions.

6.Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Salem on condition that the petitioner 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 said Magistrate, on further condition that:

[a] if the 2nd petitioner 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 the identify proofs to ensure their identity;

[c] the 2nd petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation.

[d] the 2nd petitioner 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;

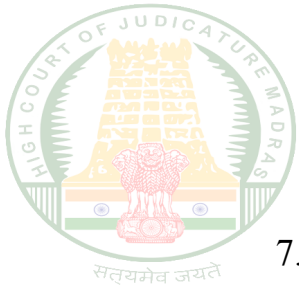
[e] the 2nd petitioner shall make himself available for interrogation by a Police officer as and when required;

[f] the 2nd petitioner 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 2nd petitioner 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 petitioner 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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7.Since the 1st petitioner was arrested and remanded to judicial custody,
this Criminal Original Petition is dismissed in so far as the 1st petitioner is
concerned.

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To

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



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M.NIRMAL KUMAR, J.

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