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CrI.O.P.No.17577 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2025

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17577 of 2025

1.Udayarasu
2.Aravinthan

... Petitioners

Vs

State rep. by the
Inspector of Police,
Gangavalli Police Station,
Salem District.
(Crime No.139 of 2025)

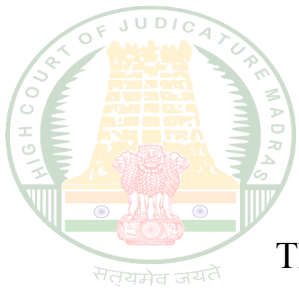
... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on bail in
the event of apprehending arrest in the Crime No.139 of 2025 on Inspector of
Police, Gangavalli Police Station, Chennai District.

For Petitioners : Mr.V.G.Nishok

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

ORDER



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The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 191(3), 115(1), 296(b), 118(2), 109(2), 351(2) of BNS and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Crime No.139 of 2025, on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution is that on 04.06.2025 at about 07.30 p.m., the 2nd petitioner called the defacto complainant's brother Rajesh through the mobile phone of 1st petitioner and asked Rajesh to come A3's house to resolve the issue happened on the same day morning at 08.00 a.m regarding money dispute with A6. Believing the words, the defacto complainant Venkatesh, his brother Rajesh and one Vinoth had gone to the house of A3, at that time, the petitioners along with A3 to A6 abused the defacto complainant group in filthy language and started attacking them using iron pipe all over the body. Due to which, the defacto complainant's brother sustained grievous injuries and got admitted in a private hospital viz., Geeth Ragunath, thereafter referred to the Government Hospital, Salem. Further, the accused damaged the two wheelers viz., Splendor Plus, Hero Honda, Yamaha Crux of the defacto complainant and Vinoth using stones



and threatened them with dire consequences. Hence, the complaint.

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3.The learned counsel for petitioners submits that the petitioners are innocent persons and they have nothing to do with the alleged offences. He further submits that due to money dispute, there was wordy quarrel between A3 and defacto complainant's brother Rajesh prior to the occurrence. Since the petitioners are being friends of A6, they have been falsely implicated in this case. The petitioners are ready to abide by any stringent conditions that may be imposed by this Court.

4.Learned Government Advocate (Criminal Side) appearing for the respondent Police while opposing for grant of anticipatory bail to the petitioner, reiterated the prosecution case and submitted that due to money dispute, the occurrence had taken place and further the petitioners damaged the two wheelers of the defacto complainant and one Vinoth worth of Rs.10,000/-. He further submits that in this case, A5 and A6 granted anticipatory bail by this Court and that the 1st petitioner is an history sheeter and has ten previous cases pending against him, of which, one case is 307 IPC and other cases are under Mines and Minerals (Development and Regulation) Act and Tamil Nadu Prohibition Act.



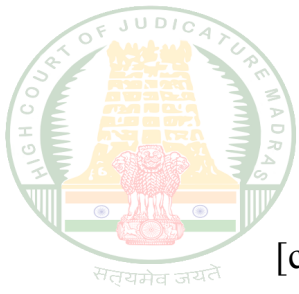
WEB COPY5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case and the co-accused/A5 & A6 had granted anticipatory bail, 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Attur on condition that the petitioners shall execute a 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 fail 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;



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[c] the petitioners 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 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 officer 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 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.

26.06.2025

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M.NIRMAL KUMAR, J.



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To

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

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