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CrI.O.P.No.17746 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **27.06.2025**

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THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.17746 of 2025

1.Mani @ Gokulnath
2.Thilip

... Petitioners/A2 & A3

Vs

State Represented by
The Inspector of Police,
Molasi Police Station,
Namakkal District.
(Crime No.59 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 their arrest by the respondent police in Crime No.59 of 2025 on
the file of the respondent police.

For petitioners : Mr.C.S.Saravanan

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



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 115(2), 118(1), 351(3) of BNS, 2023 (147, 323, 324, 506(ii) of IPC) in Crime No.59 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that there was a previous enmity between the petitioners' group and de-facto complainant's group. For the earlier occurrence, the petitioners attacked the de-facto complainant in a public place using wooden log, thereby he sustained injury. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the injured has been discharged from the hospital. He further submitted that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for anticipatory bail to the petitioners.



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4.The learned Government Advocate (Criminal Side) appearing for the respondent police submitted that there was a previous enmity between the petitioners' group and de-facto complainant's group. For the earlier occurrence, the petitioners attacked the de-facto complainant in a public place using wooden log, thereby he sustained injury. He further submitted that the injured has been discharged from the hospital. However, he strongly opposed to grant anticipatory bail to the petitioners.

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 on either side and the nature of allegations and the fact that injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



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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, Kumarapalayam**, 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 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 every day at 10.30 a.m., for a period of three weeks and thereafter as and when required for further 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 the respondent 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



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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 Inspector of Police,
Molasi Police Station,
Namakkal District.

2.The Judicial Magistrate,
Kumarapalayam.

3.The Public Prosecutor,
High Court Madras.

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