



CrI.O.P.No.18060 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 30.06.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.18060 of 2025

1.K.Gurumoorthy
2.G.Gajalakshmi
3.K.Parthiban
4.T.Govintharaj @ Govintharasu
5.G.Kamalanathan

... Petitioners/Accused

Vs

State Rep by
The Station House Officer,
Thirukkanur Police Station,
Puducherry – 605 501.
(Crime No.91 of 2024)

... 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 in Crime No.91 of 2024 pending on the file of the respondent police.

For petitioners : Mr.P.Suresh Babu

For Respondent : Mr.K.S.Mohandoss
Public Prosecutor (Puducherry)



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ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 354, 379, 506(ii), 509 r/w 34 of IPC in Crime No.91 of 2024, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were engaged in sprinkling the pesticide to the plants in their agricultural land and the same was sprinkled into the food of the de-facto complainant and on questioning by the de-facto complainant, the petitioners were assaulted her and outraged her modesty. Hence, the case.

3. The learned counsel for petitioners submitted that the petitioners and the de-facto complainant are adjacent land owners. There is some dispute in sharing of common area, which ensued into wordy quarrel and assaulted by each other. The petitioners have lodged a complaint against the de-facto



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complainant and a case in Crime No.5 of 2024 registered. As a counter blast

the above complaint has been given to the respondent, who on enquiry found that a false complaint has been given by the de-facto complainant and refused to entertain the complaint. Thereafter the de-facto complainant approached the Magistrate under Section 156(3) of Cr.P.C. thereafter the F.I.R. registered. Hence, prayed for anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police fairly submitted that in this case it is a case in counter. On the directions of the Magistrate the above F.I.R. registered. Thereafter, notice under Section 41-A of Cr.P.C. issued to the petitioners. The petitioners instead of responding to Section 41-A notice approached this Court. Hence, strongly opposed for granting 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.

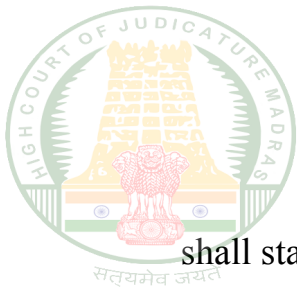


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6. Considering the submissions made on either side and on perusal of the material, it is seen that already respondent police issued notice under Section 41-A of Cr.P.C. confirming that no custodial interrogation of the petitioners required. Further it is referred under Section 156(3) of Cr.P.C. In view of the same, 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 No.IV, Puducherry**, 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 learned Magistrate concerned, failing which, the petition for anticipatory bail



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shall stand dismissed and on further condition that:

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[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;

[c] the petitioners shall report before the respondent police every day at 10.30 a.m., for a period of two 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;



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M.NIRMAL KUMAR, J.

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[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.

30.06.2025

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To:

1. The Station House Officer,
Thirukkanur Police Station,
Puducherry – 605 501.

2.The Judicial Magistrate No.IV,
Puducherry.

3.The Public Prosecutor,
High Court Madras.

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