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Crl.O.P.No.18760 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2025

CORAM

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.18760 of 2025

1.Madhavan

2.Malar

3.M.Santhosh

... Petitioners

Vs.

The State represented by
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.

Crime No.215 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in Crime
No.215 of 2025 on the file of the respondent.

For Petitioner : Mr.V.Iniyavan

For Respondent : Mr.Leonard Arul Joseph Selvam
Government Advocate (Crl.Side)

For Intervenor : Mr.J.Janarthanan



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ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 118 (1), 296 (B), 324, 329, 351 (3) of B.N.S. Act, 2023, in Crime No.215 of 2025, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that, due to boundary dispute the petitioners scolded the defacto-complainant in filthy language and attacked him, in which he sustained injury in his mouth. Hence the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they had been falsely implicated in this case. The petitioners and the defacto-complainant are close relatives. It was the defacto-complainant who had picked up the quarrel and assaulted the petitioners and there was exchange of words in which defacto-complainant fell down and sustained injuries in his teeth. He further submitted that without prejudice to his defence, the petitioners are ready and willing to deposit a sum of Rs.5,000/- each to the credit of Crime No.215 of 2025. Hence, he prayed for grant of anticipatory bail to the petitioners.



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4.Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that based on the complaint given by the defacto-complainant a case in Cr.No.215 of 2025 was registered. The injured has been discharged from hospital. The petitioner should compensate the defacto-complainant for loss of tooth and the pain suffered by him.

5.The learned counsel for the defacto-complainant strongly opposed the contention of the petitioners stating that the petitioners have been picked up quarrel with the defacto-complainant assaulting them on a regular basis. The defacto-complainant's pipeline to the field had been damaged and further the petitioners hit the defacto-complainant with stone and he lost his tooth. The defacto-complainant also filed a petition for Police protection to survey his land. It is the petitioners who are objecting for surveying the land that the surveyor would expose their encroachment over the defacto-complainant's property.

6. Heard both sides and perused the materials available on record.



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7. Accordingly, the petitioners are directed to deposit a sum of **Rs.5,000/- [Rupees Five Thousand Only] each** to the credit of Crime No.215 of 2025 before the trial Court, **and the trial Court shall deposit the same in an interest bearing account and** on such deposit and production of proof, the petitioners are ordered to be released on bail on their executing 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 **learned Judicial Magistrate, Polur, Thiruvannamalai District**. The defacto-complainant shall file a petition or memo seeking for withdrawal of the amount. The trial Court to dispense with the issuance of notice to the petitioners in the event of no claim by the defacto-complainant.

[a] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[b] **the petitioners shall report before the respondent Police as and when required for interrogation;**



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[c] the petitioners shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] 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, he shall comply to the directions as may be given by the Court in this regard;

[f] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

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M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate,
Polur, Tiruvannamalai District.

2.The State represented by
The Inspector of Police,
Chetpet Police Station,
Thiruvannamalai District.

3.The Public Prosecutor,
High Court of Madras.

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