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Crl.O.P.No.19069 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2025

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THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19069 of 2025

G.M.Dhanush Kumar

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
Magudamchavadi Police Station,
Salem District.
Crime No.193 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of
arrest in connection with Crime No.193 of 2025 on the file of respondent Police.

For Petitioner : Mr.A.Saravanan

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

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police
for the offences punishable under Section **189 (2), 296 (b), 115 (2), 118 (1) and
351 (2) of BNS, 2023**, in Crime No.193 of 2025, on the file of the respondent
Police, seeks anticipatory bail.



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2.The case of the prosecution is that, one Harikesh lodged a complaint against the petitioner and others on 27.05.2025. The defacto-complainant loved one Gopika. But, the 1st accused opposed the defacto-complainant, not to love her. Because, the first accused is loving her. Therefore, there is a dispute between the first accused and the de-facto complainant. The first accused called the defacto-complainant to meet him near Elampillai Kaliamman Koil. Accordingly, the defacto-complainant came along with his friends, wherein the above said Gopi and his friends including the petitioner attacked the defacto-complainant using bamboo stick near his left leg. Due to which he sustained injury and admitted to GH, Salem. Hence the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. A2 and A3 have been arrested and granted bail. Hence, he prayed for grant of anticipatory bail to the petitioner.

4. Learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that injured has



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been discharged from hospital. However, opposed for grant of anticipatory bail to the petitioner.

5. Heard the learned counsels and perused the materials available on record.

6. Considering the submissions made by the learned counsel appearing on either sides, the fact that injured has been discharged from hospital and since, custodial interrogation of the petitioner is not required, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the 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 on which the order copy made ready, before the learned **Judicial Magistrate No.2, Sankari** 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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[a] if the 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 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;

[c] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of three weeks; thereafter as and when required for interrogation;

[d] the petitioner shall not abscond either during investigation or trial and he shall make himself available for interrogation by a Police Officer as and when required;

[e] the petitioner shall not directly or indirectly cause any threat to the de facto complainant and witnesses and shall not tamper with evidence or witness either during investigation or trial;

[f] the 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] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass



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appropriate orders against the petitioner in accordance with law as if the aforementioned conditions have been imposed and the petitioner 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]**;

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

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To

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



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M.NIRMAL KUMAR, J.

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