



Crl.O.P.No.19405 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.19405 of 2025

Rajamani

... Petitioner

Vs.

State by

The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
(Crime No.89 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023, praying to enlarge the petitioner on bail in
the event of his arrest, in Crime No.89 of 2025, on the file of the respondent
Police.

For Petitioner : Mr.R.Thanigai Arasu

For Respondent : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor



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ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 74 of BNS, 2023, in Crime No.89 of 2025, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there is a property dispute between the petitioner and the defacto complainant. Hence, the case.

3. The learned counsel for the petitioner submitted that the petitioner is an innocent person and a false case has been foisted against the petitioner. He further submitted that the petitioner is ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for granting anticipatory bail to the petitioner.



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4.The learned Additional Public Prosecutor appearing for the respondent police while opposing for granting anticipatory bail to the petitioner, reiterated the prosecution case.

5.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police and perused the materials available on record.

6. Considering the submissions made on either side, it is seen that the petitioner and the defacto complainant are relatives and that there was dispute with regard to pathway, in which, when the defacto complainant grand-mother was passing by, the petitioner had abused and pushed her down. The grand-mother of the defacto complainant is none other than the second wife of petitioner's grand father. In view of the same, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



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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.I, Dharmapuri**, 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:

[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 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 petitioner 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 petitioner 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 petitioner shall make himself available for interrogation by the respondent as and when required;

[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] the petitioner 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 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)AIR SCW 5560];



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M.NIRMAL KUMAR, J.

dna

[i] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

05.08.2025

dna

To:

1.The Judicial Magistrate No.I, Dharmapuri.

2.The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
(Crime No.89 of 2025)

3.The Public Prosecutor,
High Court Madras.

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