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CrI.O.P.No.19404 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2025

CORAM

THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

CrI.O.P.No.19404 of 2025

1.V.Karthick
2.M.Dhanasekar

... Petitioners

Vs

The State rep by
the Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
(Crime No.61 of 2025)

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on
anticipatory bail in the event of their arrest by the respondent police in Crime
No.61 of 2025 on the file of the respondent police.

For petitioners : Mr.J.Bharathiraja

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



CrI.O.P.No.19404 of 2025

ORDER

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b) and 109 (1) of BNS, 2023 in Crime No.61 of 2025, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to matrimonial dispute, the petitioners went to the defacto complainant's house, abused the defacto complainant's brother in filthy language, threatened him of dire consequences and assaulted him with stones and caused injuries to him. Hence, the case.

3. The learned counsel for 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 petitioners are ready to abide by any stringent condition that may be imposed by this Court. Hence, prayed for anticipatory bail to the petitioners.



CrI.O.P.No.19404 of 2025

WEB COPY

4.The learned Additional Public Prosecutor appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners, reiterated the prosecution case and submitted that the injured has been discharged from the hospital.

5.Heard the learned counsel for the petitioners 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 and the injured has been discharged from the hospital, 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**



CrI.O.P.No.19404 of 2025

WEB COPY

Magistrate No.I, Dharmapuri, 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 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;

[c] **the petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of three weeks and thereafter as and when required for 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;



CrI.O.P.No.19404 of 2025

WEB COPY [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 custody beyond the first fifteen days, he 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 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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CrI.O.P.No.19404 of 2025

M.NIRMAL KUMAR, J.

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To

1.The Judicial Magistrate No.I, Dharmapuri.

2.The Inspector of Police,
Mathikonpalayam Police Station,
Dharmapuri District.
(Crime No.61 of 2025)

3.The Public Prosecutor,
High Court Madras.

CrI.O.P.No.19404 of 2025

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