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Crl.O.P.No.27391 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **03.10.2025**

CORAM:

THE HON'BLE MR. JUSTICE N.SENTHILKUMAR

Crl.O.P.No.27391 of 2025

1. Ramasamy
2. Mangayarkarasi
3. Venkatachalam

... Petitioners

Versus

The State, Rep. by,
The Inspector of Police,
Ethappur Police Station, Salem District.
(Crime No.393 of 2025)

... Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, (BNSS), 2023, to enlarge the petitioners on bail in the event of arrest in Crime No.393 of 2025 pending on the file of respondent police.

For Petitioners : Mr. C. Deepak Kumar

For Respondent : Mr. S. Santhosh,
Government Advocate (Criminal Side)



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ORDER

WEB COPY The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 133 and 351(3) of Bharatiya Nyaya Sanhita (BNS) r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 in connection with the case in Crime No.393 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that on 11.09.2025, at about 11.00 A.M., due to prior land dispute between the petitioners and the defacto complainant, the petitioners allegedly abused the defacto complainant in filthy language, assaulted him with stones, and when his wife intervened, she was also abused, assaulted, sustained injuries, and also threatened them with dire consequences. Hence, this case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners have no connection with the offence as alleged by the prosecution; and that the



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petitioners are ready to produce solvent sureties and to abide by any conditions that may be imposed by this Court and also undertakes to appear and to co-operate for the investigation, and sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police while opposing for grant of anticipatory bail to the petitioners, reiterated the prosecution case and on instructions submitted that a property dispute existed between the petitioners and the defacto complainant, which led to a confrontation during which the petitioners allegedly abused, assaulted, caused injuries and also threatened them with dire consequences. He further submitted that the injured person has now been discharged from the hospital, that the petitioners have no previous cases, and that the investigation is still pending.

5. Taking note of the facts and circumstances of the case, the nature of allegation against the petitioners, submissions made by the



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learned counsels on either side, the fact that the petitioners have no previous cases pending against them and since custodial interrogation of the petitioners are not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 – I, Attur**, on condition that the petitioners 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] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card



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or Bank pass Book to ensure their identity;

[b] the first and third petitioners shall report before the respondent Police daily at 10:30 A.M., until further orders; the second petitioner shall appear before the respondent Police as and when required for investigation, until further orders;

[c] the petitioners shall not tamper with evidence or witness either during the investigation or during the trial;

[d] the petitioners shall not abscond either during investigation or during the trial;

[e] 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 were 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].

[f] If the petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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- 1. Registry is directed to forthwith upload this order in the official website of this Court.**
- 2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.**



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To

- 1.The Judicial Magistrate – I, Attur.
- 2.The Inspector of Police,
Ethappur Police Station, Salem District.
(Crime No.393 of 2025)
- 3.The Public Prosecutor, High Court of Madras, Chennai – 104.



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N.SENTHILKUMAR, J.

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