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Crl.O.P.No.32455 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08-01-2025

CORAM

THE HONOURABLE MR JUSTICE A.D.JAGADISH CHANDIRA

CRL OP NO. 32455 of 2024

TAMILSELVAN

S/o.Anbalagan, Colony Street, P.K.Nallur, Kunnam
Taluk, Perambalur District - 621716. and 4 Others

Petitioner(s)

Vs

The State, Rep By, Inspector Of Police
Kunnam Police Station, Perambalur District. Crime
No.586/2024

Respondent(s)

For Petitioner(s):

M.Kalaiyaran
S.Dilli Ganesh
L.Prathap

For Respondent(s):

Public Prosecutor

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 189(2), 126(2), 296(b), 115(2), 308 of BNS and Section 5 of TNPPDL Act, 1992 in Crime No.586 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution, as per the defacto complainant is that, on 19.12.2024, the petitioners along with other accused persons waylaid the defacto complainant's brother's auto, which was driven by one Veerathurai, abused and demanded money at knife point. When the defacto complainant came to the spot, the petitioners and other accused abused her using filthy language, assaulted and threatened her with dire consequences. It is also further stated that the defacto complainant's brother's auto was damaged by the petitioner's herein. Hence, this case.

3. Learned counsel appearing for the petitioners would submit that petitioners are innocent and have not committed any offence, as alleged by the prosecution. He would further submit that due to wordy quarrel between the defacto complainant and the petitioners on account of previous enmity, the defacto complainant used unparliamentary words against the petitioners by uttering caste name, thereafter, both parties exchanged blows. He would further submit that the petitioner have lodged a complaint and the same has been registered under SC/ST Act by the respondent police. He would further submit that the petitioners are ready to abide by any condition, that may be imposed by this Court and also to appear and co-operate for the investigation,



therefore, he prayed for the grant of anticipatory bail to the petitioners.

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4. Learned Government Advocate (Crl. Side) appearing for the respondent police, while opposing for granting of anticipatory bail to the petitioners submits that the petitioners herein along with other accused waylaid the defacto complainant's brother's auto and damaged the auto, further they abused, assaulted the defacto complainant by demanding money at knife point and also threatened her with dire consequences. He would further submit that the first petitioner/ Tamilselvan herein has been arrested, hence the present petition becomes infructuous as against the first petitioner. He further submits that the petitioners 2 to 4 herein have no previous case and the fifth petitioner herein has one previous case.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police and perused the materials available on record including the FIR.

6. Taking note of the facts and circumstances of the case, the submissions made by the learned counsel on either side and considering the fact that the first petitioner herein has been arrested and the other petitioners



are not habitual offenders, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, **the petition against the first petitioner/ Tamilselvan has become infructuous and the same is dismissed** at present, and the other petitioners 2 to 5 herein 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, Kunnam** on condition that the petitioners 2 to 5 shall execute a separate 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 or Bank pass Book to ensure their identity.



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[b] the petitioners 2 to 5 shall report before the respondent police everyday at 10:30 a.m., for a period of one week and thereafter, every Saturday at 10:30 a.m., until further orders.

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

[d] the petitioners shall not abscond either during investigation or 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 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 accused thereafter abscond, a fresh FIR can be registered under Section 269 of B.N.S.

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A.D. JAGADISH CHANDIRA, J.

stn

To

1. The State, Rep By, Inspector Of Police
Kunnam Police Station, Perambalur District.
Crime No.586/2024.

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