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Crl.OP.No. 28031 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 14-10-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR
CRL OP NO. 28031 of 2025

1.Shyam Kumar
2.Vijayalakshmi
3.Kuberen

Petitioners

Vs

The State rep. by
The Inspector of Police
Kodambakkam Police Station
Chennai District
Crime No. 173 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 his arrest pending investigation in Cr.No.173 of 2025 on the file of
the respondent police.

For Petitioner : Mr.R.Parthiban
For Respondent : Mr.A.Gopinath
Government Advocate (Criminal Side)

ORDER

The petitioners, who apprehend arrest at the hands of the respondent
police for the offences punishable under Sections 191(2), 296(b), 115(2),
118(1) and 351(3) of BNS and Section 4 of TNPHW Act in Crime No. 173
of 2025, on the file of the respondent Police, seeks anticipatory bail.



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2. The allegation of the petitioners is that A1 urinated in front of the house of the de-facto complainant. When the same was questioned by the de-facto complainant, the petitioners and others had abused and physically assaulted him with wooden lock. Due to the impact, he sustained injuries on his hands and intimidated with dire consequences. Hence the case.

3. The learned counsel for the petitioners submits that the petitioners are innocent persons and they have been falsely implicated in this case. He submits that they have not committed any offence as alleged by the prosecution. He also submits that there is no previous case pending against them. He also submits that the petitioners are ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for his release. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal side) for the



respondent police, reiterated the prosecution case and submits that there was some wordy quarrel between the petitioners and the de-facto complainant on the previous occasion. He further submits that the injured person has been discharged from the hospital. He further submits that there is no previous case pending against the petitioners. However, he opposed to grant anticipatory bail to the petitioners.

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

6. Considering the facts and circumstances of the case, submissions made by learned counsels on either side and considering the fact that 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 **Metropolitan Magistrate Court No.XVII, Saidapet**, on condition that the



petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** with **two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) If the petitioners fail to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, 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 petitioners shall report before the respondent Police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs.**



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State of Kerala [(2005)13 SCC 283];

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

14.10.2025

MSM
To

1. The Metropolitan Magistrate Court No.XVII, Saidapet

2.The Inspector of Police
Kodambakkam Police Station
Chennai District

Crime No. 173 of 2025.

3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

MSM

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