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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.10.2025

CORAM :

THE HON'BLE MR. JUSTICE K. RAJASEKAR

CrI.O.P.No.28410 of 2025

1.Sundararajan
2.Mugesh

... Petitioners

-VS-

State Rep by,
The Inspector of Police,
Mecher Police Station,
Salem District.
(Crime No.628 of 2025)

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 of BNSS Act, 2023,
pleased to enlarge the petitioner on anticipatory bail in the event of their arrest in
Crime No.628 of 2025 dated 09.10.2025 on the file of the respondent police.

For Petitioners : Mr.A.Ashokkumar

For Respondent : Mr.S.Udayakumar
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 296(b), 351(3) of BNS, 2023 & 25 Arms Act, 1959 in Crime No.628 of 2025, seek anticipatory bail.

2.The case of the prosecution is that the petitioners along with other



accused, under the influence of alcohol allegedly abused the employees of the defacto complainant and also threatened them with dire consequences. It is further alleged that one of the accused, retrieved a firearm from the dashboard of the vehicle and threatened the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that there is no specific overt act against these petitioners, where one of the accused allegedly took a gun from the car and issued threats. There is no allegation that the firearm was used to resist or prevent any lawful arrest. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police reiterated the prosecution case and submitted that the injured has been discharged from the hospital. He further submitted that the petitioners have no previous case pending against them.

5.Heard the learned counsel for the petitioners as well as the learned Government Advocate (Crl.side) and perused the materials available on record.

6.Considering the submissions made on both sides and the injured has been discharged from the hospital and that the petitioners have no previous case pending against him and there is no specific overt act against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners with



certain conditions.

7. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order before the ***learned Judicial Magistrate No.II, Mettur, Salem,*** on condition that the petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 and on further condition that:

(a) 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;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation;

(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]*; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

17.10.2025

drl

To

1.The Judicial Magistrate No.II,
Mettur, Salem.

2.The Inspector of Police,
Mecher Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

K. RAJASEKAR, J.

drl



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