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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **04.11.2025**

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

CRL.O.P.No.28468 of 2025

1.D.Balaji
2.Vikram

.. Petitioners

Versus

The State rep by its,
The Inspector of Police,
Gudiyattam Town Police Station,
Vellore District.
(Crime No.402 of 2025)

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 of B.N.S.S., to enlarge the petitioners on bail in the event of their arrest in Crime No.402 of 2025 on the file of the respondent police.

For Petitioners	:	Mr.G.Magesh Kumar
For Respondent	:	Mr.S.Udaya Kumar Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest by the respondent police for the offences punishable under Sections 137(2), 115(2) of BNS, 2023 altered to Sections 137(2), 115(2), 296(b), 118(2), 251(3), 318(2), 140(2), 109(2) of BNS, 2023 in Crime No.402 of 2025 seek anticipatory bail.



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2. When the matter was taken up for hearing, the learned Government Advocate (Crl.Side), submitted that the petitioners were earlier arrested for the offences punishable under Sections 137(2), 115(2), 296(b), 118(2), 251(3), 318(2), 140(2), 109(2) of BNS and were released on bail by the concerned Judicial Magistrate, Gudiyatham, on the ground that the said offences were bailable offence. Subsequently, the offences were altered into 137(2), 115(2), 296(b), 118(1), 351(3), 318(2), 140(2), 109(1) of BNS. Based on the alteration report, the prosecution approached the concerned Magistrate seeking cancellation of bail by placing reliance on the judgment of the Hon'ble Supreme Court in ***Pradeep Ram v. The State of Jharkhand and Another***, reported in **(2019) 17 SCC 323**. The Learned Magistrate is directed the petitioners/accused to surrender before the Court within a period of 7 days from the date of passing the order.

3. Aggrieved by the said order, the the prosecution filed a separate application before the Sessions Court in Crl.MP.No.3557 of 2025, in which the petitioners were also served with notice and the enquiry is pending. Since the Sessions Court seized of the matter relating to the validity of the order passed by the learned Magistrate directing the petitioners to surrender before the Court. I am of the view that entertaining the present anticipatory



bail petition at this stage would not be proper. Accordingly, this Criminal Original Petition is dismissed. However, the petitioners are at liberty to workout their remedy before the Sessions Court.

04.11.2025

drl

To

1. The Inspector of Police,
Gudiyattam Town Police Station,
Vellore District.

2. The Public Prosecutor,
High Court, Madras.



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K.RAJASEKAR, J.

drl

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