



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP No. 29797 of 2025

1. Kalaiyarasan

S/o.Balu, No.3/148, Pudhu Street,
Sellur, Ivanallur, Palaiyur,
Nagapattinam District - 611 106. and
another

2. Rakesh

S/o.Ramamoorthy, 2/129, North Street,
Vadugacherry, Nagapattinam -611109

Petitioner(s)

Vs

1. State rep by Inspector of Police,
Nagoor Police Station, Nagapattinam
District (Crime.No.348 of 2025)

Respondent(s)

PRAYER

To enlarge the petitioners on bail in the event of his arrest in Crime No. 348 of 2025 pending investigation on the file of the respondent police and thus render justice.



For Petitioner(s): Sriram V

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

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 296(b), 132 and 351(2) of BNS in Crime No. 348 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that a Physical Education Teacher is the defacto complainant in this case. When one Guru, the student of an Industrial Training Institute, Nagapattinam, misbehaved with the teacher, his family members were called upon to meet the principal. The petitioners, who came to meet the Principal, supported the student and assaulted the Physical Education Teacher. Hence, the case.

3.This Court vide order dated 03.10.2025 in CrI.O.P.No.27327 of 2025 dismissed the earlier bail application of the petitioners herein on the following reasons:

“3.While the students are expected to maintain discipline and to abide by the decorum maintained by the institution, where they are inculcating not only the culture and education but also behaviour, it is important that the



students behave in an orderly way. Strangely, the petitioners, instead of taking effective measures to correct the student, supported him and attacked the defacto complainant, who is a teacher there. Hence, this Court is not inclined to grant anticipatory bail to the petitioners.”

4. The learned counsel for the petitioners would submit that one of the arrested accused was released on bail, subsequent to dismissal of the anticipatory bail of the petitioner. He further submitted that 2nd petitioner is not having any previous case. Therefore, he prays to grant anticipatory bail to the petitioners.

5. Considering the fact that 1st petitioner having 3 previous cases, I am not inclined to grant anticipatory bail. Accordingly, this Criminal Original Petition is dismissed in so far as 1st petitioner is concerned.

6. In so far 2nd petitioner is concerned, there are no previous cases against him, I am inclined to grant anticipatory bail to the 2nd petitioner with certain conditions.

7. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy made ready, before the **learned Judicial**



Magistrate-II, Nagapattinam, on condition that the petitioner 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:

(a) If the petitioners fails to surrender before the concerned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;

(c) The petitioners shall report before the respondent police everyday 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 aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions 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 v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

03-11-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

mpa

To

1. The Judicial Magistrate-II, Nagapattinam.

2. State rep by Inspector of Police,
Nagoor Police Station, Nagapattinam
District (Crime.No.348 of 2025)

3. The Public Prosecutor
High Court of Madras.



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K.RAJASEKAR J.
mpa

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