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Crl.O.P.Nos.29850 & 29852 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.Nos.29850 & 29852 of 2025

Arumugam

... Petitioner
in Crl.O.P.No.29850 of 2025

Parthiban

... Petitioner
in Crl.O.P.No.29852 of 2025

Vs.

The State represented by
The Inspector of Police,
Sivagiri Police Station,
Erode District.
(Crime No.229 of 2025)

... Respondent
in both Crl.O.Ps'

COMMON PRAYER : Criminal Original Petitions filed under Section 483 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the Petitioners on bail in Crime No.229 of 2025 pending on the file of the respondent Police.

For Petitioners : Mr.N.Umapathi
in both Crl.O.P.s'

For Respondents : Mr.A.Gopinath
Government Advocate (Crl.Side)
in both Crl.O.P.s'



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COMMON ORDER

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The petitioners/A1 and A2 were arrested and remanded to judicial custody on 15.09.2025, for the offence punishable under Sections 296(b), 115(2), 133 and 351(3) of the BNS Act, 2023, and Section 67 of the Information Technology Act, 2000, in Crime No.229 of 2025, registered on the file of the respondent, seeks bail.

2. The case of the prosecution is that, due to a property dispute, on 14.09.2025 at about 10.30 p.m., the petitioners allegedly took the de facto complainant to Murugan Rice Mill Lane on Sivagiri – Muthur Road, abused him in filthy language, assaulted him, removed his clothes, recorded a video, and threatened him not to disclose the incident to anyone. Hence, the complaint.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent and have been falsely implicated in this case. He further submitted that the petitioners have no previous cases and that the injuries sustained by the de facto complainant are simple in nature. The petitioners have been in custody since 15.09.2025. Hence, he prayed for grant of bail to the petitioners.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police opposed the grant of bail, reiterating the prosecution case and submitted that there are totally two accused involved in this case and the petitioners are ranked as A1 and A2. He further submitted that the investigation in this case is still pending.

5. Heard both sides and perused the materials available on record.

6. Though the allegations levelled against the petitioners are serious in nature, considering the fact that the petitioners do not have any bad antecedents and taking into account the period of incarceration, this Court is inclined to grant bail to the petitioners with certain conditions:

7. Accordingly, the petitioners are ordered to be released on bail on their executing a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the learned **Judicial Magistrate-cum-District Munsif Court, Kodumudi**, and on further conditions that:

[a] 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;

[b] the petitioners shall stay at Trichy and report before the Inspector of Police, Cantonment Police Station, Trichy, at 10.30 a.m., for a period of three weeks, and thereafter as and when required for interrogation;

[c] the petitioners shall make himself available for interrogation by a Police Officer as and when required;

[d] the petitioners shall not directly or indirectly cause any threat to the de facto complainant and witnesses;

[e] the petitioners to give an undertaking that if required for being identified by witnesses during investigation or for police custody beyond the first fifteen days, he shall comply to the directions as may be given by the Court in this regard;

[f] 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of**



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Kerala [(2005)13 SCC 283];

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

03.11.2025

cda

Note :

1. Registry is directed to forthwith upload this order in the Official Website of this Court.
2. All concerned to act on this order being uploaded in Official Website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in the official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate-cum-District Munsif Court, Kodumudi.
- 2.The Inspector of Police,
Sivagiri Police Station,
Erode District.
- 3.The Inspector of Police,
Cantonment Police Station, Trichy.
- 3.The Sub-Jail, Erode.
- 4.The Public Prosecutor,
High Court of Madras.

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K.RAJASEKAR, J.

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