



Crl.O.P.No.31648 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2025

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.31648 of 2025

1.Sivaganesh

2. Sakthivel

... Petitioners

Vs.

State By,

The Inspector of Police,

J-3 Guindy Police Station,

Chennai District.

Crime No.359 of 2025

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.359 of 2025 on the file of the respondent police.

For Petitioners : Mr.D.Padmanabhan



Crl.O.P.No.31648 of 2025

For Respondent : M/s.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioners herein apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS Act in Crime No.359 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that, due to previous enmity, petitioner abused the defacto complainant in filthy language and also attacked with deadly weapons, due to which defacto complainant sustained head injuries. Hence, the case.



Crl.O.P.No.31648 of 2025

WEB COPY

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that the injured is discharged from the hospital. She further submitted that 1st petitioner has three previous cases and the 2nd petitioner has one previous case. However, she opposed for grant of anticipatory bail to the petitioners.

5. Considering the bad antecedents of the 1st petitioner, this Court is not inclined to grant bail to the 1st petitioner. Accordingly, this Criminal Original Petition is dismissed. However, with respect to the 2nd petitioner, considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the 2nd petitioner with certain



CrI.O.P.No.31648 of 2025

conditions:

6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of ten days from the date of receipt of a copy of this order, before the learned **IX Metropolitan Magistrate at Saidapet** on condition that each of the 2nd petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 2nd petitioner fails to surrender before the concerned Magistrate within a period of ten 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



CrI.O.P.No.31648 of 2025

copy of any one of the identity proofs to ensure their identity;

[c] the 2nd petitioner 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 2nd petitioner in accordance with law as if the aforementioned conditions have been imposed and the 2nd petitioner 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)13 SCC 283]**;

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



WEB COPY

sma



Crl.O.P.No.31648 of 2025

20.11.2025

To

1.IX Metropolitan Magistrate, Saidapet.

2.The Inspector of Police,
J-3 Guindy Police Station,
Chennai District.

3.The Public Prosecutor,
High Court of Madras.



WEB COPY



CrI.O.P.No.31648 of 2025

K.RAJASEKAR, J.

sma



WEB COPY



CrI.O.P.No.31648 of 2025

CrI.O.P.No.31648 of 2025

20.11.2025