



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2025

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THE HONOURABLE MR JUSTICE **K.RAJASEKAR**

Crl.O.P.No.31946 of 2025

1. M.Sivakumar

2. Kumaresan @ M.Kumarvel

... Petitioners

Vs.

State Rep. By

The Sub Inspector of Police,
Kilkodungalore Police Station,
Tiruvannamalai District.

... Respondent

(Crime No.206 of 2025)

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya
Nagarik Suraksha Sanhita of BNS, to enlarge the petitioners on bail in
Crime No.206 of 2025 on the file of the respondent police.

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

ORDER

The petitioners, who were apprehending arrest at the hands of the
respondent police for the offences punishable under Sections 126(b),
115(2), 118(1) and 296(b) of BNS in Crime No.206 of 2025, seek
anticipatory bail.

2. The allegation against the petitioners is that due to previous
enmity, the petitioners abused and attacked the defacto complainant. Due to



which, the defacto complainant sustained injuries. Hence the complaint.

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3. The learned counsel for the petitioners submitted that, petitioners are innocent persons and due to previous enmity, false complaint has been given by the defacto complainant. Thus, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl Side) submitted that, it is a case and counter-case, wherein, due to previous enmity, the petitioners attacked the defacto complainant. He further submitted that the first petitioner is involved in three previous cases, while the second petitioner has no previous case. He also submitted that the injured has been discharged from the hospital. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by learned counsels on either side, also taking into account that the injured has been discharged from the hospital, as well as the fact that the first petitioner is involved in three previous cases, while the second petitioner has no previous case, this Court is not inclined to grant



anticipatory bail to the first petitioner. However, this Court is inclined to grant bail to the second petitioner with certain conditions.

7. Accordingly, while dismissing this petition insofar as it relates to the first petitioner, the second 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, Vandavasi**, on condition that **the second 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 conditions:

[a] if the second 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 his 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 his identity;



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[c] the second 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 second petitioner in accordance with law as if the aforementioned conditions have been imposed and the second 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.

24.11.2025

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To

1. The Judicial Magistrate, Vandavasi.
2. The Sub Inspector of Police,
Kilkodungalore Police Station,
Tiruvannamalai District.
3. The Public Prosecutor,
High Court of Madras.

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