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Crl.OP.No.33825 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.12.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.33843 of 2025

1. Chandra Kannan
2. Ram Kumar
3. Illavarasan
4. Illakiya

... Petitioners

Vs.

The State of Tamilnadu
The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
(Cr.No.734 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioner on anticipatory bail in the event of his arrest in connection with Crime No.734 of 2025 on the file of the respondent.

For Petitioners : Mr.M.Shakul Hameed

For Respondent : Ms.J.R.Archana
Government Advocate (Crl. Side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 296(b), 115(2), 118(1), 351(3) of BNS (U/s.296(b), 323, 324 and 506(ii) of IPC) in Crime No.734 of 2025, on the file of the respondent police seek anticipatory bail.



2. The case of the prosecution is that there was a pre-existing property dispute between the family of the petitioners and the family of the de facto complainant. Owing to the said dispute, the petitioners allegedly abused, assaulted the de facto complainant, and threatened him with dire consequences. Hence, the present case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and have not committed any offence as alleged by the prosecution. He further submitted that it is a case and counter case arising out of the same occurrence and, therefore, prayed for the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that the injured has been discharged from the hospital and that it is a case and counter case. Hence, he opposed the grant of anticipatory bail to the petitioners.

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

6. Considering the facts and circumstances of the case, the submissions made by the learned counsel on either side, the fact that the injured has been discharged from the hospital, and that it is a case and counter case, this Court is inclined to grant anticipatory bail to the

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petitioners, subject to certain conditions.

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7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance within a period of fifteen (15) days from the date on which the order copy made, before the learned **Judicial Magistrate-1, Kallakurichi** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.20,000/- (Rupees Twenty Thousand only) with two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(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 anticipatory 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 Act.

10.12.2025

Vv

To

1. The **Judicial Magistrate-I, Kallakurichi**
2. The Inspector of Police,
Kallakurichi Police Station,
Kallakurichi District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.



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K.RAJASEKAR, J.

Vv

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