



WEB COPY



Crl.OP.No.34148 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2025

CORAM

THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.34148 of 2025

1. Vijayakumar
2. Ragu
3. Sennimalai
4. Satheesh
5. Senthilraja

... Petitioners

Vs.

The State
Rep by the Inspector of Police,
Konganapuram Police Station,
Salem District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to grant anticipatory bail to the petitioners in the event of arrest in connection with Cr.No.439 of 2025 pending investigation on the file of the respondent police.

For Petitioner : Mr.R.Jayaprakash

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

ORDER

The petitioners who apprehend arrest for the alleged offence under Sections 189(2), 296(b), 351(2), 115(2) and 118(1) of BNS 2023 in



Cr.No.439 of 2025 on the file of the respondent police, seeks anticipatory bail.

WEB COPY

2. The case of the prosecution is that on 04.11.2025 at about 7.00 p.m., while the de facto complainant was walking near his agricultural land, the first petitioner came from the opposite direction on his two-wheeler and hit the left leg of the de facto complainant, causing injuries. It is further alleged that the petitioners abused the de facto complainant with filthy language and assaulted him, as a result of which the de facto complainant fainted in the land. This led to the registration of the present FIR. Hence, the present case.

3. The learned counsel appearing for the petitioners submitted that due to previous enmity relating to an encroachment dispute over Government poramboke vacant land, the petitioners had already lodged a complaint against the de facto complainant, which was registered in Cr.No.438 of 2025. It was further submitted that the present case has been foisted as a counterblast owing to the said previous enmity. Hence, the learned counsel 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 it is a case and counter case. It was also submitted that no previous criminal cases



have been reported against the petitioners. However, the learned Government Advocate opposed the grant of anticipatory bail.

WEB COPY

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

6. Considering the facts and circumstances of the case, the existence of a case and counter case, and the absence of any previous criminal antecedents on the part of the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

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 **District Munsif-Cum-Judicial Magistrate Court, Edappadi** 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 06.30p.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) The petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) The petitioners shall not abscond either during investigation or trial:

(f) 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]***;

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

15.12.2025

Vv



CrI.OP.No.34148 of 20__

To

1. The District Munsif-Cum-Judicial Magistrate Court,
Edappadi
2. The Inspector of Police,
Kongananpuram Police Station,
Salem District.
3. The Public Prosecutor
High Court of Madras,
Chennai 600 104.

WEB COPY



WEB COPY



Crl.OP.No.34148 of 2025

K.RAJASEKAR, J.

Vv

Crl.O.P.No.34148 of 2025

15.12.2025