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CRL OP No.35630



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

CORAM

THE HONOURABLE MR.JUSTICE P.DHANABAL

CRL OP No. 35630 of 2025

Thanarajan
S/o.Thangappan,
Door No.5/300, Nallampalli Vattam,
Dharmapuri District.

Petitioner(s)

Vs

State Rep. by
The Inspector of Police Athiyamankottai
Police Station, Dharmapuri District
Crime No.368/2025

Respondent(s)

Criminal Original Petition filed under Section 438 Cr.P.C. to grant anticipatory bail to the petitioner in the event of his arrest in Crime No.368 of 2025 pending on the file of the respondent.

For Petitioner(s): Mr.E.Kannadasan

For Respondent(s): Mr.S.Udaya Kumar
Government Advocate (CrI.Side)



ORDER

The petitioner/accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(2), 318(4) and 351(3) of B.N.S. in connection with the Crime No.368 of 2025, seeks anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant is running an electrical shop near Indian Bank, Nallampalli Village in the first floor and the petitioner is running water service shop and furniture store in the ground floor of the same building and they both have acquaintance with each other; the petitioner used to borrow money from the *de facto* complainant and repay the same; in the month of June 2024, the petitioner approached the *de facto* complainant and asked him a sum of Rs.4,00,000/- as hand loan for settling outstanding dues and expansion of his business, but, the *de facto* complainant refused by saying that he has no money; after repeated demand made by the petitioner, the *de facto* complainant gave a sum of Rs.1,40,000/- as cash and 5 ½ sovereigns of gold chain to the petitioner for pledging; though the petitioner promised the *de facto* complainant that he will repay the amount and redeem the pledged jewel within two months, he has not done the same; on 07.12.2024 around 3.00 p.m., when the *de facto* complainant, went to the petitioner's shop and asked him to repay the cash and redeem the jewel, the petitioner scolded him in filthy language and attacked him using broom stick on his head and face and



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made a fist on his chest; the injured *de facto* complainant escaped from there and went to the Government Hospital, Dharmapuri, for taking treatment and hence the case.

3. The learned counsel for the petitioner would contend that the the petitioner is an innocent of the offences and he has been falsely implicated in this case. Hence, the petitioner may be released on anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that based on the complaint given by the *de facto* complainant, the respondent police registered a case in Crime No.368 of 2025 for the offences under Sections 296(b), 115(2), 118(2), 318(4) and 351(3) of B.N.S. and the case is under investigation. He would further submit that the injured has been discharged from the hospital and there is no previous case pending against the petitioner. However, he strongly opposed to grant anticipatory bail to the petitioner.

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

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that there are money transactions between the petitioner and the *de facto* complainant, also considering the fact that the injured has



been discharged from the hospital and further considering the fact that there is no previous case pending against this petitioner, I am inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the **Judicial Magistrate No.II, Dharmapuri**, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police daily at 10.00 a.m., for a period of 30 days and thereafter as and when required for interrogation;

[c] the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade her from disclosing such facts to the Court or to any police officer;

[d] the petitioner shall not leave India without the previous permission of



the Court;

[e] the petitioner 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 action against the petitioner in accordance with law as if the conditions have been imposed and the 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)AIR SCW 5560]; and

[g] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

30-12-2025

nsd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

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.



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To

1. The Judicial Magistrate No.II, Dharmapuri.

2.The Inspector of Police,
Athiyamankottai Police Station, Dharmapuri District
Crime No.368/2025

3.The Public Prosecutor,
High Court of Madras.

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This Criminal Original Petition is posted today under the caption "for being mentioned" at the instance of the learned counsel for the petitioner.

2. The learned counsel appearing for the petitioner would submit that though the F.I.R was registered in Crime Number.398 of 2025, in the bail application the petitioner has wrongly mentioned as Crime No.368 of 2025 and therefore, in the order dated 30.12.2025, in cause title, prayer and paragraph No.1, the Crime Number was wrongly mentioned as Crime No.368 of 2025 instead of ***Crime No.398 of 2025*** and therefore, prays for appropriate corrections.

3. In the light of the above, Registry is directed to correct the Crime Number in cause title, prayer portion and paragraph number 1 be replaced as follows:

"The petitioner/accused, who apprehends arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(2), 318(4) and 351(3) of B.N.S. in connection with the Crime No.398 of 2025, seeks anticipatory bail."



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4. Registry is directed to carry out the above said corrections and issue fresh order copy.

mtl

22.01.2026



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