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CRL OP No. 35958 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-12-2025

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THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL OP No. 35958 of 2025

1.M.Kesavan
2.M.Viswanathan

Petitioner(s)

Vs

The State by,
The Inspector of Police,
Sooramangalam Police Station,
Salem City.
Crime No.674 of 2025.

Respondent(s)

PRAYER

To enlarge the petitioner on bail in the event of their arrest by the respondent police in Cr.No.674 of 2025 pending investigation on the file of Inspector of Police, Sooramangalam Police Station, Salem District.

For Petitioner(s): Mr.Saravanan A

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

ORDER

The petitioners, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act (TNPHW), 1998 in connection with



the case in Crime No.674 of 2025, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and defacto complainant are relatives. The petitioners attacked the defacto complainant arising out of a land dispute.

3. Learned counsel for the petitioners would contend that the petitioners are innocent; that there exists a family dispute between the petitioners and the defacto complainant; that they have been falsely implicated in this case and that the custodial interrogation is not required in this case. Hence, prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing on behalf of the respondent would submit that there exists a family dispute between the petitioners and the defacto complainant, thereby attacked and caused injury to the defacto complainant and no previous cases are pending against the petitioners, hence strongly opposed.

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) for the respondent police and perused the materials available on record.



6. Considering the nature of allegations, the relationship and the land dispute between the parties; no previous cases are pending against the petitioners and since the custodial interrogation of the petitioners is not required for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners on 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 days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court-II, Salem** on condition that the petitioners 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 respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners 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 petitioners shall report before the respondent police every Saturday at 10.30 a.m., for a period of four weeks;**



[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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].

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

30-12-2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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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 official website of this Court will be watermarked and will also have a QR code.

To

- 1.The Judicial Magistrate Court-II, Salem.
- 2.The Inspector of Police,
Sooramangalam Police Station, Salem
City.
- 3.The Public Prosecutor, Madras High
Court, Chennai.



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