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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2025

PRESENT

THE HONOURABLE MR.JUSTICE P. VADAMALAI

CRL OP(MD).No.13190 of 2025

1. Divakar Raja,
S/o.Malaisamy

2. Sankar,
S/o.Kandasamy ..Petitioners/Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Contonment Police Station,
Trichy City.
(Crime No.383 of 2025) .. Respondent/Complainant

For Petitioners : Mr.A.Thiyagarajan
Advocate
For Respondent : Mr.S.Prakash
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.383 of 2025 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 115(2), 118(1), 351(3) of BNS r/w.Section 4 of TamilNadu Prohibition of Women Harassment Act in Crime No.383 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto-complainant running a shop near Trichy Bus Stand. On 30.07.2025 at about 12.30p.m. The petitioners bought water bottle and some other things and they pay the amount through Gpay, at that time police patrolling came on the spot the , on seeing the police patrol vehicle, the defacto-complainant closed the shutter without giving balance things to the petitioners. The petitioners questioned the same to the defacto-complainant and scolded him with filthy language and attacked the defacto-complainant by glass bottle. Hence the case.

3. The learned counsel for the petitioners would submit that the petitioners are practicing advocates, they have not committed any offences as alleged by the prosecution. The petitioners also lodged a complaint against the defacto-complainant in Cr.No.384 of 2025. The petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. The petitioners are ready and

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willing to abide any conditions which may be imposed by this Hon'ble Court. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that the defacto-complainant is running a petty shop near Tricy Bus Stand. These petitioners bought water bottle and some other things in that shop and paid the amount through Gpay. The defacto-complainant failed to give the things to the petitioners. The same was questioned by the petitioners, there arose a wordy quarrel between them. These petitioners abused the defacto-complainant by using filthy language and attacked the defacto-complainant. He sustained simple injury and he was treated as out patient. There is no previous case against this petitioner. However, he opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and also considering the fact that at the time of occurrence the defacto-complainant sustained simply injury and treated as out patient, date of occurrence happened on 30.07.2025, by this time material part of investigation might have been completed, a counter case in Cr.No.384 of 2025 also pending before the respondent police, there are no previous cases pending against these petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

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6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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 Additional Mahila Court, Trichirappalli on condition that the petitioner shall execute separate bond for a sum of Rs.10,000/-(Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Additional Mahila Court, Trichirappalli 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 furnish their residential address and contact number to the learned Additional Mahila Court, Trichirappalli. In the event of any change in their residential address, the petitioners shall report the same to the learned Additional Mahila Court, Trichirappalli;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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(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 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]; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
11/08/2025

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Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gvn
TO

1 The Judge,Additional Mahila Court,
Trichirappalli.

2 Do Through the Chief Judicial
Magistrate, Tiruchirappalli District.

3 The Inspector of Police,
Contonment Police Station,
Trichy City.

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4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.A.THIYAGARAJAN, Advocate (SR-8715[I] dated 12/08/2025)

ORDER
IN
CRL OP(MD) No.13190 of 2025
Date :11/08/2025

AS/28.08.2025/6P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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