



CRL OP(MD). No.13428 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.Eswari,
W/o.Ramasamy

2.Sumathi,
D/o.Ramasamy

3.Muthu Krishnan,
S/o.Chinna Mottaiyya

... Petitioners/ A1 to A3

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Odaipatti Police Station,
Theni District.
(Crime No.139 of 2025)

... Respondent/Complainant

For Petitioners : Mr.S.Balamurugan,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Crl.Side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.139 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1) and 351 (2) of BNS, 2023 in Crime No.139 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners blocked the drainage water and quarrelled with the de-facto complainant's mother, and also abused her using filthy language. When the de-facto complainant intervened in an attempt to pacify the situation, the petitioners assaulted the de-facto complainant with a cement plate. Hence, the present case has been registered.

3. The learned counsel appearing for the petitioners submitted that this is a case, case in counter. In fact, the de-facto complainant was the one who, along with other persons, attacked the petitioners, causing grievous injury. To that effect, a



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counter case has been registered by the 1st petitioner against the de-facto complainant in Crime No.140 of 2025 on the file of the respondent police. He submitted that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. He further submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Crl. side) submitted that this is a case, case in counter. There are totally three accused persons in this case. There are no previous cases registered against the petitioners. He further submitted that the de-facto complainant has not sustained any injuries due to the incident. However, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and also taking note of the fact that it is a case, case in counter, and that there are no previous cases registered against the petitioners, and that the de-facto complainant has not sustained any injuries due to the incident, this court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.



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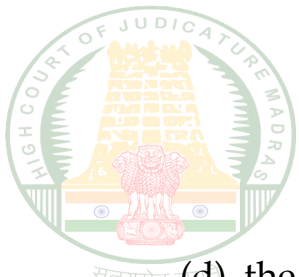
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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Uthamapalayam, Theni District on condition that the petitioners shall execute a 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 the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Uthamapalayam, Theni District;

(c) the 1st and 2nd petitioners shall report before the respondent police weekly once i.e. on every Sunday at 10.00 a.m. until further orders, and the 3rd petitioner shall report before the respondent police daily at 10.00 a.m. until further orders;



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(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 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 themselves 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
13/08/2025

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/09/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn

TO

1 The Judicial Magistrate,
Uthamapalayam,
Theni District.



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2 The Inspector of Police,
Odaipatti Police Station,
Theni District.

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

ORDER
IN
CRL OP(MD) No.13428 of 2025
Date :13/08/2025

NM/11.09.2025/ 6P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023