



CRL OP(MD).No.13828 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Abhinesh,
S/o.Mayalagu

.. Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kalayarkoil Police Station,
Sivagnagai District.
(Crime No.396 of 2025)

.. Respondent/ Complainant

For Petitioner :Mr.V.Kannan
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.396 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 351(1) of BNS, 2023 and Section 25



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(1A) of Arms Act, 1959 in Crime No.396 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that One Chitra had expired and her funeral procession was held on 20.07.2025, when there were crackers burst during the procession, it would led to certain hideous between the peoples. When the same was questioned by the defacto-complainant, the petitioner and others abused the defacto-complainant by using filthy language and showing sword towards him and threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that the respondent police lodged a false case against this petitioner. The petitioner is an innocent person and he has not committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions which may be imposed by this Hon'ble Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) would submit due to bursting of crackers during the procession of deceased, there was a wordy quarrel between the petitioner and the defacto-complainant. Further, this petitioner showing sword towards the defacto-complainant and threatened him with dire consequences. In this case there are totally five accused persons. This petitioner was arrayed as

Accused No.1. In this case, A2 was enlarged on bail by the Principal District Judge,



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Sivagangai in Crl.M.P.No.1950 of 2025 dated 01.08.2025, A3 was enlarged on bail by the Principal District Judge, Sivagangai in Crl.M.P.No.1914 of 2025 dated 28.07.2025, A4 & A5 were enlarged on bail by the Principal District Judge, Sivagangai in Crl.M.P.No.1927 of 2025 dated 28.07.2025. At the time of occurrence, no one sustained any injury, weapons were recovered by the respondent police. There is no previous case against this petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and considering the fact that A2 was enlarged on bail by the Principal District Judge, Sivagangai in Crl.M.P.No.1950 of 2025 dated 01.08.2025, A3 was enlarged on bail by the Principal District Judge, Sivagangai in Crl.M.P.No.1914 of 2025 dated 28.07.2025, A4 & A5 were enlarged on bail by the Principal District Judge, Sivagangai in Crl.M.P.No.1927 of 2025 dated 28.07.2025, by this time most of the investigation might have been completed, weapons were recovered by the respondent police, at the time of occurrence, no one sustained any injury, there is no previous case against this petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of his arrest or on his appearance, within a period of fifteen days from the



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date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Sivagangai, Sivagangai District on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty five Thousand only) 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 Judicial Magistrate No.1, Sivagangai, Sivagangai District and on further conditions 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 furnish his residential address and contact number to the learned Judicial Magistrate No.1, Sivagangai, Sivagangai District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.1, Sivagangai, Sivagangai District;

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

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

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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 of BNS, 2023.

sd/-
21/08/2025

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

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TO

- 1.The Judicial Magistrate No.1, Sivagangai, Sivagnagai District.
- 2.The Inspector of Police, Kalayarkoil Police Station, Sivagangai District.
- 3.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.V.KANNAN, Advocate (SR-9046[I] dated 21/08/2025)

ORDER
IN

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Date :21/08/2025

NBF/08/09/2025/ 5P/5C

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