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Crl.OP.No. 350 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2026

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CRL OP NO. 350 of 2026

1. M.Kaliyappan

2.K.Vijay

3.K.Prakash

4.R.Sneka

Petitioners

Vs

The State rep. by

The Inspector of Police

Magudamchavadi Police Station

Salem District

Crime No. 475 of 2025.

Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioner on bail in the event of his arrest pending investigation in Crime No. 475 of 2025 on the file of the respondent police.

For Petitioner : Mr.Madhanraj J.

For Respondent : Ms.J.R. Archana

Government Advocate (Criminal Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of BNS, 2023 in Crime No. 475 of 2025, on the file of the respondent Police, seeks anticipatory bail.



2.The allegation against the petitioners is that on 10.12.2025 at about 09.00 am a dispute arose between the petitioners and the de-facto complainant when certain firewood was placed on the common pathway, allegedly causing obstruction to free access. The mother of the de-facto complainant requested the petitioners to remove the firewood from the pathway. The petitioners assaulted the de-facto complainant and his mother, resulting in the de-facto complainant severely injured. Hence the case.

3. The learned counsel for the petitioners submits that the petitioners have not committed any offences as alleged by the prosecution and they have been falsely implicated in this case. He further submits that this case is a case in counter in Crime No. 476 of 2025 filed by the petitioners herein. He also submits that the petitioners have no previous case. He further submits that they are ready to abide by any conditions that may be imposed by this Court and ready to furnish sufficient solvent sureties for their release. Hence, he prays for grant of anticipatory bail to the petitioners.



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4. The learned Government Advocate (Criminal side) for the respondent police, reiterated the prosecution case and submits that the injured is discharged from the hospital and the petitioners have no previous case. He further submits that this case is case-in-counter in Crime No. 476 of 2025 which was filed by the petitioners against the de-facto complainant. He opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels and perused the materials available on record.

6. Considering the injured is discharged from the hospital and the petitioners have no previous case; this case is a counter case; this Court is inclined to grant anticipatory bail to the petitioners with 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 on which the order copy made ready, before the learned **Judicial Magistrate No.II, Sankari**, on condition that the petitioners shall execute a bond for a sum of **Rs.20,000/- (Rupees Twenty Thousand Only)** **with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that:



(a) If the petitioners fail to surrender before the concerned Magistrate, within a period of fifteen days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

[b] the sureties shall affix their photographs and Left Thumb Impression in the Application for Surety ship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of the identity proofs to ensure their identity;

[c] the petitioners shall report before the respondent Police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned 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)13 SCC 283]**;



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

09.01.2026

MSM

To

1. The Judicial Magistrate No.II, Sankari,
3. The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

MSM

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