



Crl.O.P.No.1128 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2026

CORAM

THE HONOURABLE Mr. JUSTICE K. RAJASEKAR

Crl.O.P.No.1128 of 2026

1.Kaveri @ Kaveri Elumalai
2.Kokila @ Kokila Devi Kaveri

... Petitioners/A2 & A3

Vs.

The State Rep. by,
The Inspector of Police,
Omalur Police Station
Salem District.
(Crime No.730 of 2025)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on bail in event of arrest pending investigation in Crime No.730 of 2025 on the file of the respondent police.

For Petitioners : Mr.M.Kabilan
For Respondent : Ms.J.R.Archana,
Government Advocate (Crl.Side)

ORDER

The petitioners apprehend arrest for the alleged offence **under Sections 296(b), 115(2), 118(1), 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023,** in **Crime No.730 of 2025** on the file of the respondent police seek anticipatory bail.



2. The allegation against the petitioners is that the defacto complainant and A2 are relatives and that due to land dispute with regard to ancestral properties, the petitioners abused the defacto complainant by using filthy language and also assaulted with iron rod in his face as well as head and shoulder and thereby caused injury. Hence, a case has been registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the defacto complainant and they have been falsely implicated in this case due to land dispute between the parties. He further submitted that they are ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the injured has been discharged from the hospital and no previous bad antecedents have been registered against them. However, she opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, taking note of the submissions made by the learned counsel on both sides, nature of allegations levelled against the petitioners, the petitioners are not having



previous bad antecedents, and also considering the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

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 (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Omalur, Salem District**, on condition that **the petitioners shall execute a separate 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 conditions:

(a) If the petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) 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 identify proofs to ensure their identity;

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(c) The petitioners shall report before the respondent Police everyday at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]***;

(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

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To

- 1.The Judicial Magistrate, Omalur, Salem District.
2. The Inspector of Police, Omalur Police Station, Salem District.
- 3.The Public Prosecutor, High Court of Madras.

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