



WEB COPY



Crl.O.P.No.2714 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2026

CORAM

THE HONOURABLE MR JUSTICE K. RAJASEKAR

CRL OP NO.2714 of 2026

1. Periyasamy
2. Bharath

... Petitioners/ A1 and A2

Vs

The State Rep. By,
The Inspector of Police,
Malliyakarai Police Station,
Salem District.
(Crime No.19 of 2026)

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners on anticipatory bail in the event of arrest by the respondent in Crime No.19 of 2026 on the file of the respondent police.

For Petitioners : Mr. T. Ganesan

For Intervener : Mr. C. Krishna Karthi

For Respondent : M/s. J.R. Archana
Government Advocate (Crl.Side)



WEB COPY



CrI.O.P.No.2714 of 2026

ORDER

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(2) of BNS (294(b), 426, 506 of IPC) r/w Section 4 of TNPHW in Crime No.19 of 2026 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein are the husband and brother in law of the defacto complainant, respectively; that on account of family dispute between them, the defacto complainant is living separately with her parents; that on 17.01.2026, when the defacto complainant went near Manthaiveli, the petitioners herein abused the defacto complainant using filthy language and assaulted her using knife; that when the defacto complainant's relatives intervened, they were also assaulted by the petitioners herein; that further, the petitioners threatened the defacto complainant and her relatives with dire consequences. Hence, this case.

3. The learned counsel appearing for the petitioners submitted



that the petitioners have been falsely implicated in this case; that on account of family dispute, there was a wordy quarrel between the parties; that thereby both parties exchanged blows and heated words; that there is a counter case in Crime No.20 of 2026 registered on the file of the respondent police against the defacto complainant and her relatives; and that the petitioners are ready to abide by any conditions that may be imposed by this Court, hence sought for anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) appearing for the respondent while opposing the anticipatory bail to the petitioners reiterated the prosecution case and submitted that the injured in this case discharged from the hospital; that the petitioners have no previous antecedents; and that the investigation of this case is pending.

5. Considering the submissions made on both sides, facts and circumstances of this case, nature of allegation, taking note of the fact that there is a counter case and since custodial interrogation of the petitioners is not necessary for the purpose of investigation, this Court is inclined to grant anticipatory bail to the petitioners with 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 days from the date on which the order copy made ready, before the **learned Judicial Magistrate No.2, Attur** on condition that the petitioners shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen 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 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 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



Crl.O.P.No.2714 of 2026

WEB COPY

appropriate orders against the petitioners in accordance with law as if the aforementioned 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)13 SCC 283]**;

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

05.02.2026

stn

To

1. The Judicial Magistrate No.2, Attur.
2. The Inspector of Police,
Malliyakarai Police Station,
Salem District.
(Crime No.19 of 2026)
3. The Public Prosecutor,
High Court of Madras.

K. RAJASEKAR, J.

stn



WEB COPY



Crl.O.P.No.2714 of 2026

Crl.O.P. No.2714 of 2026

05.02.2026