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Crl.OP.No.4854 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2026

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THE HONOURABLE MR JUSTICE K.RAJASEKAR

Crl.O.P.No.4854 of 2026

1. Mayilsamy
2. Shanmugavadivel

... Petitioners

Vs.

State by
The Inspector of Police,
Kundadam Police Station,
Kundadam, Dharapuram Taluk,
Tiruppur District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, to enlarge the petitioners on anticipatory bail in the event of their arrest in Cr.No.355 of 2025 on the file of the Inspector of Police, Kundadam Police Station, Kundadam, Dharapuram Taluk, Tiruppur District.

For Petitioners : Mr.C.Prakasam

For Respondent : Ms.J.R.Archana
Government Advocate (Crl.side)

ORDER

The petitioners, who apprehend arrest for the alleged offence under Sections 49, 296(b), 115(2), 118(1) and 351(3) of BNS and r/w 4 of TN



Prohibition of Harassment of Women Act, 2002 in Cr.No.355 of 2025 , on the file of the respondent police seek anticipatory bail.

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2. The allegation against the petitioners is that due to property dispute, the petitioners attacked the defacto complainant and her father and also caused grievous injuries to the defacto complainant, which led to the registration of the case. Hence, the present case has been filed by the petitioner for seeking anticipatory bail.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the petitioners are ready to cooperate with the investigation. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner is not having any previous cases, the injured has been discharged from the hospital. Hence, he vehemently opposed for the grant of anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the facts and circumstances of the case, submissions made by learned counsel on either side, also considering the fact that the



injured has been discharged from the hospital and that the petitioners have no previous case, I am inclined to grant anticipatory bail to the petitioners, subject to 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 (15) days from the date on which the order copy made, before the learned **Judicial Magistrate, Dharapuram, Tiruppur District** on condition that each of the petitioners shall execute separate bonds for a sum of **Rs.15,000/- (Rupees Fifteen Thousand only) with two sureties** each for a like sum to the satisfaction learned Magistrate concerned, and on further condition that:

(a) If the petitioners fails to surrender before the concerned 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;



(c) The petitioners shall report before the respondent police daily at 10.30a.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 accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

26.02.2026

Vv

To

1. The Judicial Magistrate, Dharapuram, Tiruppur District
2. The The Inspector of Police,
Kundadam Police Station,
Kundadam, Dharapuram Taluk,
Tiruppur District.
3. The Public Prosecutor
High Court of Madras, Chennai 600 104.

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K.RAJASEKAR, J.

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