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Crl.O.P.No.5147 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.03.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.5147 of 2026

K. Anbalagan

... Petitioner

Vs.

State rep by
The Sub-Inspector of Police,
R-5 Virugambakkam Police Station.
(Crime No.46 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner on bail in the event of arrest pending investigation in Crime No.46 of 2026 on the file of the respondent police.

For Petitioner : Mr. K. Prasanthan

For Respondent : Mr. P. Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 296(b), 115(2), 308(2) and 281 of BNS, 2023 in Crime No.46 of 2026 on the file of the respondent police seeks anticipatory bail.



2. According to the prosecution case, on 11.02.2026 at about 7.30 p.m., while the defacto complainant was proceeding on his way, A1/Shiranjeevi, the son of the petitioner, who was riding a Honda motorcycle, hit the defacto complainant and caused a fracture injury to him. After the accident, on information given by A1, the petitioner/A2 came to the spot along with three unnamed persons and all of them assaulted the defacto complainant and abused him in filthy language.

3. The learned counsel for the petitioner would submit that the son of the petitioner has already been enlarged on bail by the Station House Officer and that the petitioner, being a senior citizen, may also be enlarged on anticipatory bail.

4. This contention was stoutly objected by the learned Government Advocate (Criminal Side) appearing for the respondent, who submitted that A1 had been enlarged on bail as he had only caused accident, whereas the petitioner came with three unnamed persons and assaulted the defacto complainant and that the investigation is still pending. Therefore, he prayed for dismissal of the anticipatory bail petition.

5. I have given my anxious consideration to either side submission.



6. While looking at the facts of the case, this is the case of quarrel in furtherance to the accident. According to the FIR, it is alleged that on instruction from the petitioner's son, the petitioner came to the spot and assaulted the complainant. The FIR has been registered on 12.02.2026.

7. Considering the fact that A1 has already been released on bail and that by which time the investigation might have progressed to an advanced stage and also taking into account the age of the petitioner, I am inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned 23rd Metropolitan Magistrate, Saidapet**, on condition that **the petitioner 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 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



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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 petitioner shall report before the respondent Police, everyday 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 aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

02.03.2026

AT

To

- 1.The 23rd Metropolitan Magistrate, Saidapet.
- 2.The Sub-Inspector of Police, R-5 Virugambakkam Police Station.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

AT

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