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Crl.O.P.No.5148 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.5148 of 2026

1.Venkatachalam
2.Arun Ramkumar

... Petitioners

Vs.

State rep by
The Inspector of Police,
Komaralingam Police Station,
Komaralingam,
Tiruppur District.
(Crime No. 35 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioners on bail in the event of arrest pending investigation in Crime No.35 of 2026 on the file of the respondent police.

For Petitioners : Mr. K. Ramakrishnan

For Respondent : Mr. P. Dhileepan
Government Advocate (Crl.Side)
Mr. M.N. Balakrishnan for Intervenor

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 329(3), 127(2), 296(b), 118(1) and 351(3) of BNS, 2023 in Crime No.35 of 2026 on the file of the respondent police seek anticipatory bail.



2. The learned counsel for the petitioner would submit that the defacto complainant owns neighbouring land and that there was an issue with respect to drawing water from a common well. On 13.02.2026, around 10.30 a.m., when the 1st petitioner went to switch on the motor pump, the defacto complainant, along with his brother Loganathan, abused the petitioners and has also assaulted the 1st petitioner with an iron pipe. Due to such attack, the petitioners sustained injury.

3. It is the further submission of the learned counsel for the petitioners that in respect of the said occurrence, they have given a complaint and based on the same, a counter complaint has been registered in Crime No.36 of 2026. However, in order to overcome the complaint given by the petitioners, the defacto complainant also lodged a complaint against the petitioners. The learned counsel would further submit that it is only a civil dispute. Therefore, the petitioners may be enlarged on bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent, strongly objected to this petition and contended that the investigation is pending and that there is also a counter complaint in Crime No.36 of 2026 and even in the counter complaint, no one has been arrested. Therefore, he prayed for dismissal of the anticipatory bail petition.



5. Mr. M.N. Balakrishnan, the learned counsel appearing on behalf of the intervenor, opposed the petition by contending that it was only the petitioners who assaulted the defacto complainant. Therefore, he objected to the grant of anticipatory bail.

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

7. While looking at the factual position, the present petitioners and the complainant are neighbours. It appears that a quarrel arose due to the sharing of water and from the submissions made by the learned Government Advocate, it is seen that the injured has already been discharged from the hospital.

8. In view of the above, I am of the opinion that enlarging the petitioners on bail would in no way cause any prejudice to society, as it is only a dispute between neighbours. Therefore, this Court is of the firm view that the petitioners may be enlarged on bail, subject to certain conditions.

9. 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 District Munsif Cum Judicial Magistrate Court, Madathukulam, Tiruppur**



District, on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- each (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 petitioners 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;

(c) The petitioners shall report before the respondent Police, twice daily at 10.30 a.m., and 5.30 p.m., for a period of one month and thereafter once in the morning at 10.30 a.m., for a further 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]***;



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

02.03.2026

AT

To

- 1.The District Munsif Cum Judicial Magistrate Court,
Madathukulam, Tiruppur District.
- 2.The Inspector of Police,
Komaralingam Police Station,
Komaralingam,
Tiruppur District.
- 3.The Public Prosecutor, High Court of Madras.



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C.KUMARAPPAN.J.

AT

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