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Crl.O.P.No.6114 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2026

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THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.6114 of 2026

1. Saraswathi
2. Sanjay Gandhi
3. Pavithra

... Petitioners

Vs.

State represented by
Inspector of Police,
T-16, Semmanchery,
Chennai.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner Nos.1 to 3 on bail in the event of arrest by the respondent police in Crime No.37 of 2026 pending on the file of respondent police.

For Petitioners : Mr.S.Raghuman

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

ORDER

The petitioners apprehend arrest for the alleged offence under Sections 296(b), 115(2) of BNS Act, 2023 r/w Section 4 of TNPHW Act, in Crime No.37 of 2026 on the file of the respondent police seek anticipatory



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bail.

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2. The case of the prosecution is that due to previous enmity, the petitioners abused and attacked the de facto complainant, due to which the de facto complainant was treated as out patient in hospital. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioners are innocent persons and have been falsely implicated in this case and they are no way connected to this case. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and submitted that due to previous enmity, the incident was said to have taken place between the petitioners 1 and 2 and the de facto complainant. He fairly submitted that the injury sustained by the de facto complainant is simple in nature. He further submits that the third petitioner namely Pavithra, is not arrayed as an accused and her name also does not exist in the FIR.

5.From the submissions made by the learned Government Advocate (Crl.Side), it is seen that the third petitioner's name does not find place in the



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FIR and hence, this anticipatory bail application is dismissed in respect of the third petitioner, Pavithra. Considering the nature of the offence and the fact that the injury sustained by the de facto complainant is only simple in nature, this Court is inclined to grant anticipatory bail to the petitioners 1 and 2, subject to certain conditions.

6. Accordingly, the petitioners 1 and 2 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, Sholinganallur**, on condition that **the petitioners 1 and 2 shall execute a bond for a sum of Rs.25,000/- each (Rupees Twenty Five 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 1 and 2 fail 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



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of identify proofs to ensure their identity;

(c) The petitioners 1 and 2 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required;

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioners 1 and 2 in accordance with law as if the conditions have been imposed and the petitioners 1 and 2 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 1 and 2 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

7. In the result, this Criminal Original Petition is allowed insofar as the first and second Petitioners are concerned and dismissed insofar as the third Petitioner is concerned.

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To

1.The District Munsif-cum-Judicial Magistrate, Sholinganallur

2.The Inspector of Police,
T-16, Semmanchery,
Chennai.

3.The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN.J.

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