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CRL OP No. 6357 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 6357 of 2026

S.Kanagasabai
S/o.Sellamuthu,
No.9/164, Saminathan Thottam,
Chinnagoundanur,
Sankari,
Salem-637 303.

..Petitioner(s)

Vs

The State by, The Inspector of Police,
Sankari Police Station,
Salem District.
Crime No.89 of 2026.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the Petitioner on bail in the event of his arrest by the respondent police in Crime No. 89 of 2026 pending investigation on the file of Inspector of Police, Sankari Police Station, Salem District.

For Petitioner(s):

A.Saravanan

For Respondent(s):

Mr.P.Dhileepan

Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest for the alleged offence **under Sections 296(b), 115(2), 118(1) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 (296, 323, 324 of IPC) in Crime No.89 of 2026**, on the file of the



respondent police seeks anticipatory bail.

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2. The allegation against the petitioner is that the petitioner assaulted the defacto complainant/his wife and, therefore, she had to be hospitalized for a period of four days. Hence, the case.

3. The learned counsel for the petitioner submitted that though the alleged incident occurred on 18.02.2026, the complaint was registered on 25.02.2026. He would further submit that the petitioner is aged about 55 years and he is an innocent person and he has not committed any such offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the injured has been discharged from the hospital and there is no previous case against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent.



6. Taking into consideration the matrimonial discord between the husband and wife and the fact that the defacto complainant has already been discharged from the hospital, this Court is of the view that the petitioner may be enlarged on bail. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory 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 made ready, before **the learned Judicial Magistrate-I, Sankari**, 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 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;



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(c) The petitioner shall sign before the respondent police twice a day at 10.30 a.m., and 5.30 p.m., until further orders.

(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.

12-03-2026

MPA

To

1. The Judicial Magistrate-I, Sankari.
2. The Inspector of Police,
Sankari Police Station,
Salem District.
Crime No.89 of 2026.

3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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