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Crl.O.P.No.8211 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2026

CORAM

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

Crl.O.P.No.8211 of 2026

M.Viswanathan, S/o.Muthaan

... Petitioner

Vs.

State rep. By
The Inspector of Police,
Arachalur Police Station,
Erode District.
(Crime No.24 of 2026)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to enlarge the petitioner/accused on bail in the event of his arrest pending investigation in crime No.24 of 2026 on the file of the respondent police.

For Petitioner : Mr.C.S.Saravanan
For Respondent : Mr.P.Dhileepan
Government Advocate (Crl.Side)

ORDER

The petitioner herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 118(1), 351(3) of BNS (448, 294(b), 324, 506(ii) of IPC) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.24 of 2026, on the file of the respondent Police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner and the de-facto were in relationship and in this connection, there was a dispute and as a result of which, the petitioner assaulted the de-facto complainant by using iron rod. In furtherance thereof, the de-facto complainant admitted in the hospital. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that due to the said occurrence, the petitioner also consumed poison and thereafter, he also taken treatment. He further submitted that he is ready to abide by any conditions that may be imposed by this Court and ready to co-operate with the investigation. Hence, he prayed to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (CrI.Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioner has assaulted the de-facto complainant by using iron rod. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the totality of the circumstances and that the occurrence took place on 12.02.2026 and on the fact that the injured has also been



discharged from the hospital and also taking note of the fact that the petitioner had also taken treatment for consuming of poison, this Court is of the view that, at this length of time, the custodial interrogation of the petitioner is not required. Accordingly, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. 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 District Munsif cum Judicial Magistrate, Elumathur at Mudakurichi Taluk**, 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 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 report before the respondent Police, daily twice at 10.30 a.m. for a period of two weeks;

(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.

01.04.2026

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To

- 1.The District Munsif cum Judicial Magistrate, Elumathur at Mudakurichi Taluk.
- 2.The Inspector of Police, Arachalur Police Station, Erode District.
- 3.The Public Prosecutor, High Court of Madras.

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