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CRL OP No.9812 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No.9812 of 2026

1. Arul Jothi,
S/o.Ponnurangam,

2. Kamalakannan,
S/o. Arul Jothi,

Both are residing at,
No.66, Subburayan 5th Street,
Nammalwarpet,
Perambur Barracks,
Chennai District.

...Petitioners/Accused
Rank Not Known

Vs

State represented by:
The Inspector of Police,
P-2, Otteri Police Station,
Chennai District.
(Crime No.138 of 2026)

...Respondent/
Complainant

Prayer: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on bail in the event of their arrest in Crime No.138 of 2026 pending investigation on the file the respondent police.

For Petitioners: Mr.S.N.Arunkumar

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



ORDER

The petitioners, who apprehend arrest for the alleged offences under Sections 126(2), 296(b), 115(2), 118(1), and 351(3) of BNS, 2023 (under Sections 341, 294(b), 323, 324, and 506(ii) of IPC) in Crime No.138 of 2026, on the file of the respondent police, seek anticipatory bail.

2. The first and second petitioners are father and son. The allegation against these petitioners is that the *de-facto* complainant heckled the first petitioner while consuming alcohol, and in furtherance of this, the present occurrence took place on 06.04.2026. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the *de-facto* complainant. He further submitted that they are ready to abide by any stringent condition that may be imposed by this Court and they are ready to cooperate for the investigation. 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's case and submitted that the injured was attacked by a liquor bottle and that he was discharged from the



hospital on the same day as being treated as an outpatient. Hence, he opposed to grant anticipatory bail to the petitioners.

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

6. The learned Government Advocate (Crl.Side) would fairly submit that the injured was attacked by a liquor bottle and that he was discharged from the hospital on the same day as being treated as an outpatient.

7. Considering the discharge of the *de-facto* complainant and the nature of the allegation against these petitioners and upon the fact that no custodial interrogation is required in such types of offences, this Court is inclined to enlarge them on anticipatory bail, subject to certain conditions:

8. Accordingly, the petitioners are ordered to be released on anticipatory 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 made ready, before **the learned X-Metropolitan Magistrate, Egmore**, on condition that **the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**,



each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

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(a) If the petitioners fail 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;

(c) The petitioners shall sign before the respondent police twice a day at 10.30 a.m., and 5.30 p.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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory bail by the learned Magistrate/Trial Court themselves 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 thereafter abscond, a fresh FIR can be registered under Section 269 of BNS Act.

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20-04-2026



Copy to:

1. The X-Metropolitan Magistrate,
Egmore.
2. The Inspector of Police,
P-2, Otteri Police Station,
Chennai District.
3. The Public Prosecutor
High Court of Madras.



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C.KUMARAPPAN, J.

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