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CRL OP No. 9866 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. 9866 of 2026

V Agathiyan

..Petitioner

Vs

The State rep by
The Inspector of Police,
Ml- Viruthachalam police station,
Cuddalore District- 606001

..Respondent

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, to grant anticipatory bail to the Petitioner, in the event of his arrest in connection with unknown crime No of 2026 on the file of the Respondent Police.

For Petitioner:

Mr.H. Reymonth

For Respondent:

Mr.P.Dhileepan
Govt.Advocate (Crl Side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections 351(3), 115(2), 117(1), 62(2), 132 of BNS (Corresponding to u/s 506(2), 323, 324, 120(b), 353 of IPC) in Crime No. Unknown of 2026 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other



accused assaulted the de facto complainant who is working as ward boy in a government hospital. Hence, this case.

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3. The learned counsel for the petitioner submitted that the petitioner has no overt act and the victim has been discharged from hospital. He further submitted that the petitioner was innocent and that he has been falsely implicated in this case. He further submitted that he is ready to abide by any stringent condition that may be imposed by this Court and he is ready to co-operate for investigation. 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 submitted that the petitioner was only an unnamed accused and since the petitioner has filed the anticipatory bail, they came to know about the involvement of the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the facts and circumstances of the case and as rightly contended by the learned counsel for the petitioner, in spite of the occurrence



took place on 17.04.2026 so far, the respondent police have not identified any of the accused and apart from that the injured has also discharged from hospital after three days. In such view of the position, this Court is of the view that custodial interrogation of the petitioner is not required. Hence, this Court is inclined to consider the bail application on stringent conditions.

7. 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 Judicial Magistrate I, Viruthachalam**, 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 stay at Nagercoil and report before the Inspector of Police, Kottar Police Station, Nagercoil District everyday at 10.30 a.m., for a period of one month 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]*;

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

20-04-2026

SHL

To:

1. The Judicial Magistrate I,
Viruthachalam
2. The Inspector of Police
Kottar Police Station,
Nagercoil District
3. The Inspector of Police,
MI- Viruthachalam Police station,
Cuddalore District- 606001
4. The Public Prosecutor
High Court of Madras



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C.KUMARAPPAN J.

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