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Crl.O.P.No.10896 of 2026



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.05.2026

CORAM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

Crl.O.P.No.10896 of 2026

1.Vignesh @ Vicky
S/o. Pachaiyappan

2.Pachaiyappan
S/o.Veera Samy

... Petitioners/Accused Nos.1 & 2

Vs.

State Rep. by,
The Inspector of Police,
Nemili Police Station,
Nemili Taluk,
Ranipet District.
(Crime No.53 of 2026)

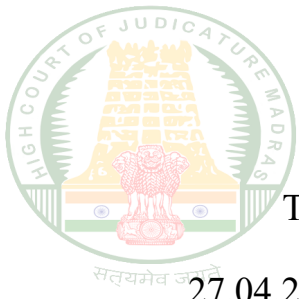
... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.53 of 2026 on the file of the respondent police.

For Petitioners : Mr. D. Rajagopal

For Respondent : Mr. A. Gopinath
Government Advocate
(Criminal Side)

ORDER



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This Criminal Original Petition has been filed by the petitioners on 27.04.2026 under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 praying to grant an order of pre-arrest bail.

2. The petitioners / Accused Nos.1 & 2, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 296(b), 118(1), 351(3) of Bharatiya Nagarik Suraksha Sanhita, Act, 2023 and 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act and subsequently altered in to Sections 296(b), 118(1), 351(3) of Bharatiya Nagarik Suraksha Sanhita, Act, 2023 and 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act in Crime No.53 of 2026 on the file of the respondent police.

3. The case of the prosecution is that due to previous enmity the petitioners assaulted the defacto complainant on his head using an iron rod, and caused injuries. Hence, the case.

4. Mr. D. Rajagopal, learned counsel appearing on behalf of the petitioners submitted that he has not pressed this petition as against the first petitioner. To that effect, he has made an endorsement in the case file. The scanned reproduction of the endorsement reads as follows:

He further submitted that the second petitioner is an innocent person and he has



I maybe permitted to not
Press the Anticipatory Bail petition
with respect of 1st petitioner /
1st Accused

S. Hanthary
Counsel for petitioners
21/5/2022

been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. *Per contra*, Mr. A. Gopinath, the learned Government Advocate (Criminal Side) appearing on behalf of the respondent - Police submitted that the first petitioner is a student studying BCA 3rd year and that the second petitioner is running electrical shop and residing adjacent to the defacto complainant. He further submitted that due to previous enmity the petitioners assaulted the defacto complainant on his head using an iron rod, and caused injuries. He further submits that if pre-arrest bail is granted to the petitioner, he will abscond and tamper with the evidence. However, he submits that the injured has been discharged from the hospital.

6. Heard on both sides. This Court has perused the records.

7. In view of the endorsement made by the learned counsel for the



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petitioner with respect to first petitioner, **this Criminal Original Petition is dismissed as against the first accused / Vignesh @ Vicky.**

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8. As far as the second petitioner / Pachaiyappan is concerned, considering the fact that the second petitioner is aged about 50 years old and also considering the overt act attributed against the petitioner in the crime, and also the fact the injured has been discharged from the hospital, custodial interrogation may not be required. Hence, this Court is inclined to grant an order of pre-arrest bail to the second petitioner / Pachaiyappan alone subject to the following conditions.

(i) The second petitioner / Pachaiyappan shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the **learned Judicial Magistrate-II, Arakkonam, Ranipet District**, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the **learned Judicial Magistrate-II, Arakkonam, Ranipet District**.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal



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Rules of Practice, 2019']. The **learned Judicial Magistrate-II, Arakkonam, Ranipet District**, shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The second petitioner / Pachaiyappan shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Crime No.53 of 2026 on the file of the respondent-police, before the learned **Judicial Magistrate-II, Arakkonam, Ranipet District**, within a period of four weeks from the date on which the order copy is made ready. In turn, the learned **Judicial Magistrate-II, Arakkonam, Ranipet District** shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.53 of 2026. The learned Judicial Magistrate or Trial Court shall pass orders *qua* entitlement of the said amount in its final order / Judgment.

(iv) The second petitioner / Pachaiyappan shall appear and sign before the respondent Police, daily at 10.00 a.m., until further orders.

(iv) The second petitioner / Pachaiyappan shall make himself available for interrogation by a police officer as and when required.

(v) The second petitioner / Pachaiyappan shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts



of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

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(vi) The second petitioner / Pachaiyappan shall not enter into the victim's house or his place;

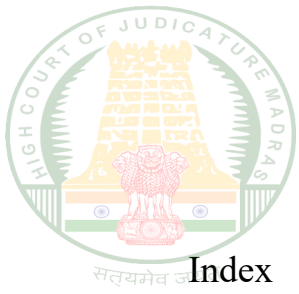
(vii) The second petitioner / Pachaiyappan shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(viii) The second petitioner / Pachaiyappan shall not leave India without prior permission of the Court.

(ix) The second petitioner / Pachaiyappan shall furnish his residential address and mobile number to the learned Judicial Magistrate-II, Arakkonam, Ranipet District.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate-II, Arakkonam, Ranipet District or Trial Court, as the case may be, is entitled to pass appropriate orders against the second petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in ***P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]***.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.



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Index : Yes/No
Internet : Yes/No
Neutral citation : Yes/No
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Note:-

1. Registry is directed to forthwith upload this order in the official website of this Court.
2. All concerned to act on this order being uploaded in official website of this Court without insisting on certified hard copies. To be noted, this order when uploaded in official website of this Court will be watermarked and will also have a QR code.

To

1. The Judicial Magistrate-II,
Arakkonam, Ranipet District
2. The Inspector of Police,
Nemili Police Station,
Nemili Taluk, Ranipet District.
3. The Public Prosecutor,
High Court of Madras.

R.SAKTHIVEL, J.

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