



WEB COPY

CRL OP No. 12523 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

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THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12523 of 2026

1. Thamoorthy

2. Govindhammal

..Petitioner(s)

Vs

The State rep by its,
The Inspector of Police,
Molasi Police Station
Namakkal District
(Crime No.19 of 2026)

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to order enlarge the petitioners on bail in the event of their arrest a case in Crime No.19 of 2026 pending investigation on the file of the respondent and thus render Justice.

For Petitioner(s): Mr.M.Subash

For Respondent(s): Mr.T.Muruganantham
Government Advocate (Crl. Side)

ORDER

The petitioners / Accused, who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), and 351(3) of the Bharatiya Nyaya Sanhita (BNS) 2023, in connection with Cr. No. 19 of 2026, seek anticipatory bail.



2.The case of the prosecution is that the de-facto complainant, Punniyamoorthy, is the brother of the first petitioner. Due to an ongoing family property dispute, on 13.03.2026, the petitioners, who are husband and wife, allegedly abused the de-facto complainant, his wife, and two others in filthy language, assaulted them using a spade and stones, and threatened their lives with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and have been falsely implicated due to a long-standing partition conflict over undivided family property. He submits that a partition suit in O.S. No. 37/2026 is pending between the brothers on the file of the II Additional District and Sessions Judge, Tiruchengode. To give a criminal colour to this civil dispute, the de-facto complainant lodged a false complaint. He further points out that a counter-case has also been registered by the respondent police in Cr. No. 20 of 2026 under Sections 296(b), 118(1), and 351(3) of the BNS against the de-facto complainant party. While this is the second anticipatory bail application, the earlier petition in CrI. O.P. No. 9602/2026 having been dismissed on 17.04.2026, the learned counsel notes that the injured individuals have already been discharged from the hospital. He acknowledges that petitioner 1 (A-1) has one previous case pending against him, whereas petitioner 2 (A-2) has no previous cases, and prays for the grant of anticipatory bail.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police opposed the petition noting the deployment of weapon in the offense. He, however, confirms that a bona fide property dispute exists, a registration of the counter-case in Cr. No. 20 of 2026 is on record, and the injured persons stand discharged from the hospital. He verifies that A-1 has one previous adverse antecedent and A-2 has none.

5.Heard both sides and perused the materials available on record.

6.Considering the rival submissions on either side, the nature of the offences, and the fact that the dispute arises out of a property partition conflict between brothers, and taking note of the registration of the counter-case in Cr. No. 20 of 2026, the discharge of the injured persons from the hospital, and the status of the antecedents, I am inclined to grant anticipatory bail to the petitioners subject to standard reporting conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Kumarapalayam, on condition that each petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a



like sum to the satisfaction of the learned Judicial Magistrate Court, Kumarapalayam, and on further condition that:

[a] the petitioners shall report before the respondent police every Saturday at 10.00 a.m. for a period of four weeks, and thereafter as and when required for investigation.

[b] the petitioners 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;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 269 B.N.S. 2023.

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13-05-2026



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 the official website of this Court will be watermarked and will also have a QR code.

To:

1. The Judicial Magistrate Court,
Kumarapalayam.

2. The Inspector of Police,
Molasi Police Station
Namakkal District.

3. The Public Prosecutor,
Madras High Court,
Chennai.



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P.DHANABAL, J.

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