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Crl.O.P.No.12793 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

CRL.O.P.No.12793 of 2026

1. A.Jayakumar

2. K.A.Arunprasath

... Petitioners

vs.

State rep by

The Inspector of Police,

Magudanchavadi Police Station,

Salem District.

... Respondent

PRAYER Criminal Original Petition filed under Section 482 of B.N.S.S., 2023 to enlarge the petitioners on bail in the event of their arrest concerned in Crime No.84 of 2026 on the file of the Inspector of Police, Magudanchavadi Police Station, Salem District.

For Petitioners: Mr.N.Vijaya Basker

For Respondent: Mr.S.Balaji
Government Advocate (Crl. Side)

Mr.G.Sathish for Intervenor

ORDER

The petitioners / accused Nos.1 & 2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 329(4) & 351(3) of BNS, 2023 r/w Sec.3(1) of TNPPDL



Act (Old Sections 147, 148, 294(b), 324, 448, 506(ii) of IPC), seeks anticipatory bail.

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2. The case of the prosecution is that due to property dispute, the accused have abused the de facto complainant and his family members in filthy language and assaulted them, causing injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners submitted that there is a counter case in Crime No.85 of 2026 pending against the de facto complainant and that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and a false and exaggerated complaint has been lodged against them. Hence, he prayed for the grant of anticipatory bail to the petitioners.

4. The learned counsel appearing for the intervenor submitted that the petitioners are the younger brothers of the de facto complainant. Due to a property dispute among them, the accused damaged the compound wall of the de facto complainant and assaulted him and his family members. Hence, he opposed the grant of anticipatory bail to the petitioners.



5. The Learned Government Advocate (Criminal Side) appearing for the respondent Police reiterated the prosecution case and would submit that there is no previous case pending against the petitioners and also the injured has been discharged from the hospital and that this is the second application for bail filed by the petitioners and the earlier petition filed by the petitioners in Crl.O.P.No.9241 of 2026 has been dismissed by this Court, vide order dated 15.04.2026. Hence, he opposed for the grant of anticipatory bail to the petitioners.

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

7. Considering the rival submissions on either side and nature of offences alleged as against the petitioners and further taking note of the fact that the injured has been discharged from the hospital and there is no previous case pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners on certain conditions.

8. 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 of receipt of a copy of this order, before the learned **Judicial Magistrate Court No.II, Salem District** on condition that the petitioners shall execute a



bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) each**, with two sureties each for a like sum to the satisfaction of the respondent Police or the Police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further conditions that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

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

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[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 himself 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.

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vji / vsn

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 Court No.II,
Salem District.
2. The Inspector of Police,
Magudanchavadi Police Station,
Salem District.
3. The Public Prosecutor,
Madras High Court.



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P.DHANABAL, J.

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