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CRL OP No. 12878 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14-05-2026

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THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12878 of 2026

K .Tamilselvan

..Petitioner(s)

Vs

State Rep. by Inspector of Police
Mohanur police station
Namakkal District.
(Crime No 44 of 2026)

..Respondent(s)

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, 2023, praying to enlarge the petitioner on bail in the event of arrest in connection with Crime No.44 of 2026 on the file of the respondent Police and to pass such further or other orders as this Honble Court may deem fit and thus render justice.

For Petitioner(s): Mr.B Vetrivel

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

ORDER

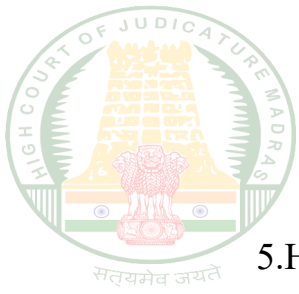
The petitioners who apprehend arrest in the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 126(2), and 315(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No. 44 of 2026 dated 10.03.2026, seek anticipatory bail.



2. The case of the prosecution is that on suspicion that the de facto complainant had passed information regarding illegal sand theft, the petitioners allegedly attacked him with stones and caused injuries. Hence the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are in no way connected to the alleged offense, and they have been falsely implicated due to previous enmity with the de facto complainant. He further submitted that this is the third anticipatory bail petition before this Court, and no similar petition is pending before any other court. He stated that a change of circumstances is established as the co-accused have already been granted bail by the Learned Judicial Magistrate Court-II (FAC) in Crl.M.P. No. 392 of 2026. He further submitted that though there are two previous cases pending against the petitioners, bail has already been granted to them in both cases, and they are ready to abide by any conditions imposed by this Court. Hence, he prayed anticipatory bail for the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police reiterated the prosecution case and submitted that the petitioners have two previous cases pending against them. He further submitted that the injured has already been discharged from the hospital and the co-accused have been granted bail. Hence, he vehemently opposed the grant of anticipatory bail to the Petitioners.



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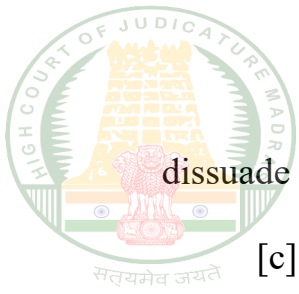
5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions made by the learned counsel on either side, the nature of offences, the fact that the co-accused have been granted bail, the fact that the injured has been discharged from the hospital, and also the fact that the petitioners have already been granted bail in their two pending previous cases, I am inclined to grant anticipatory bail to the petitioners subject to the following 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 learned Judicial Magistrate No. II, Namakkal 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 learned Magistrate concerned and on further condition that:

[a] 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;

[b] the petitioner 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 her from disclosing such facts to the Court or to any police officer;

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 BNSS, 2023.

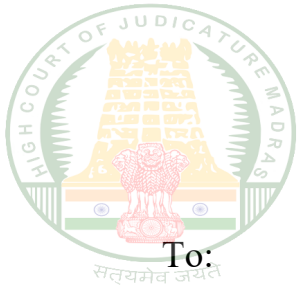
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Note:

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



To:

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1.The Judicial Magistrate No. II, Namakkal.

2.The Inspector of Police
Mohanur police station
Namakkal District..

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



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P.DHANABAL, J.

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