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CRL OP No. 12386 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

THE HON'BLE MR.JUSTICE P. DHANABAL

CRL OP No. 12386 of 2026

1. Mohamed Izas

2. Pathmanathan

..Petitioner(s)

Vs

State Rep. by The Inspector of Police
Avinashi Police Station,
Tiruppur District.
(Cr. No. 233 of 2026).

..Respondent(s)

PRAYER: - The Criminal Original Petition is filed under Section 483 of B.N.S.S., praying to enlarge the petitioner on bail pending Investigation in Cr. No. 233 of 2026 on the file of the Respondent Police and thus render justice.

For Petitioner(s): Mr.K.Govi Ganesan

For Respondent(s): Mr.R.Vinothraja
Government Advocate (Crl. Side)

ORDER

The Petitioners/Accused, who were arrested on 28.03.2026 and remanded to judicial custody on the same day for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS Act, 2023 and 11(5) and 12 of POSCO Act, 2012 in Cr. No.233 of 2026 on the file of the respondent police, seek bail.



2.The case of the prosecution is that the petitioners/A1 and A2 are alleged to have committed offences punishable under Sections 296(b), 118(1), and 351(3) of the B.N.S. Act and Section 11(i) read with Section 12 of the POCSO Act. Hence, on 27.03.2026, an FIR in Crime No.223 of 2026 was registered, and the petitioners were arrested by the respondent police for the alleged offences and remanded to judicial custody. Hence, this petition.

3.The learned counsel for the petitioners would contend that they are innocent and that a false complaint has been lodged against them. The learned counsel for the petitioners further submits that, due to previous enmity, the complaint has been lodged against them. The petitioners were arrested and remanded to judicial custody for more than 44 days. The respondent police have completed the investigation against the accused. The petitioners did not commit any offence as alleged by the complainant. The respondent police have foisted a false case against the petitioners based on twisted facts concocted by the de facto complainant.

4.The learned Government Advocate (Crl. Side) appearing for the respondent police reiterated the prosecution case and submitted that no previous case is pending against the petitioners. The learned Government Advocate (Crl. Side) further submitted that the petitioners had filed applications for bail before the Court of Sessions, Magalir Neethi Mandram (Fast Track Mahila Court),



Tiruppur, in Crl.M.P. No.248 of 2026 and Crl.M.P. No.309 of 2026, and the same were dismissed by the learned Judge by orders dated 20.04.2026 and 06.05.2026 respectively. Hence, he vehemently opposed the grant of bail to the petitioners.

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

6.Considering the rival submissions and the nature of the offence, the period of incarceration undergone by the petitioners, and the fact that the injured has also been discharged from the hospital, and further considering that the petitioners have no previous cases, I am inclined to grant bail to the petitioners, subject to the following conditions:

[a] Accordingly, the petitioner is ordered to be released on bail on condition to 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, Avinashi** and on further conditions that:

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of thirty (30) days.

[c] the petitioner shall not commit any offence similar to the offence of which he is accused, or suspected, or of the commission of which he is suspected;



[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

13-05-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

SSR

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.



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To

- 1.The Judicial Magistrate, Avinashi.
- 2.The Inspector of Police
Avinashi Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court, Madras.
- 4.The Superintendent,
Central Prison, Coimbatore.



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P.DHANABAL, J.

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