



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13402 of 2026

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1. W.Simon
S/o.Wilson,
No.9/4, M K Ponnann Street,
Annai Anjugam Nagar, Kodungaiyur,
Chennai-600 118.

2. Sebastin
S/o.James,
No.4/9, M K Ponnann Street,
Annai Anjugam Nagar,
Kodungaiyur, Chennai-600 118.

Petitioners / Accused 1 & 2

Vs

The State Rep. by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Chennai District.
(Crime No.266 of 2026)

Respondent / Complainant

PRAYER:- Criminal Original Petition filed under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners/Accused 1 and 2 on bail in Crime No.266 of 2026 pending Investigation before the Inspector of Police, P-6 Kodungaiyur Police station, Chennai.

For Petitioners: Mr.V.Muthu Pandi

For Respondent: Mr.V.J.Priyadarsana,
Government Advocate
(Criminal Side)



ORDER

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This Criminal Original Petition has been filed by the petitioner on 18.05.2026 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused1 & 2 were arrested and remanded to judicial custody on 30.04.2026 for the alleged offences punishable under Section 296(b), 115(2), 75 & 351(2) of BNS, 2023, in Crime No.266 of 2026 on the file of the respondent-police.

3. The case of the prosecution is that on 26.04.2026 at about 9.00 P.M., due to previous enmity, the petitioners abused the defacto complainant's brother in filthy language and assaulted him. Based on this, the present complaint was lodged and the same has been registered.

4. M.V.Muthu Pandi, learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the alleged occurrence took place on 26.04.2026, whereas the petitioners were arrested and remanded to judicial custody only on 30.04.2026. He however submits that the petitioners



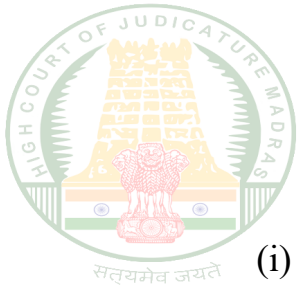
are ready to abide by any stringent conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

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5. *Per contra*, Mr.V.J.Priyadarsana, learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the petitioners and the de facto complainant's brother are neighbours. On the date of occurrence, there was a wordy quarrel between the parties and there is no physical attack. He further submits that no previous case pending against the petitioners. However, the learned Government Advocate (Criminal Side) raised a strong objection to grant bail to the petitioner. Accordingly, he prays to dismiss the petition.

6. Heard on both sides. This Court has perused all the materials available on record.

7. The petitioners were arrested on 30.04.2026. Considering the facts and circumstances of the case, the offence alleged against the petitioners and taking note of the fact that there are no previous cases against the petitioner, this Court is of the view that further custody of the petitioners is not necessary in this case. Hence, this Court is inclined to grant bail to the petitioners, subject to the following conditions:



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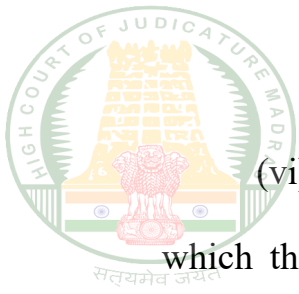
(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned X Metropolitan Magistrate, Egmore, Chennai.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned X Metropolitan Magistrate, Egmore, Chennai shall obtain a copy of any one of their identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioners shall furnish their residential address and mobile numbers to the learned X Metropolitan Magistrate, Egmore, Chennai.

(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNSS, 2023.



(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected.

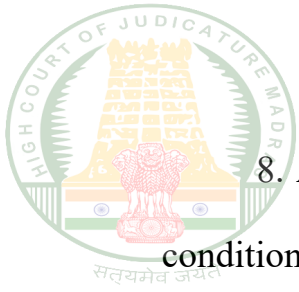
(vii) The petitioners shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence.

(viii) The petitioners shall also not directly or indirectly, cause any threat to the defacto complainant, victims, and witnesses.

(ix) The petitioners shall not enter into the defacto complainant's house or his work place.

(x) The petitioners shall not try to contact the defacto complainant, victims, and witnesses either directly or through any electronic mode.

(xi) On breach of any of the aforementioned conditions, the learned X Metropolitan Magistrate, Egmore, Chennai or Trial Court is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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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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 X Metropolitan Magistrate,
Egmore, Chennai.
2. The Inspector of Police
P-6, Kodungaiyur Police Station,
Chennai District.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai.
4. The Public Prosecutor,
High Court, Madras.



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R.SAKTHIVEL J.

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