

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-05-2026

CORAM

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL OP No. 13254 of 2026

1.Gowtham
S/o.Palayam
No.87, Kamarajar Nagar,
Maduravoyal,
Chennai- 600 095

2.Vignesh
S/o.Dhananjayan,
No.61, Kailasakulathu Street, Ulundurpet,
Vilupuram District - 606107

..Petitioners/Accused Nos.2 & 3

Vs

State Represented by
The Inspector of Police (Law and Order)
Maduravoyal Police Station,
(Cr.No.363 of 2026)

..Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.363 of 2026, pending investigation on the file of respondent police.

For Petitioner(s): Mr.S.R.Shenbaga Baabu

For Respondent(s): Mr.A.Gopinath
Government Advocate (Criminal Side)



ORDER

This Criminal Original Petition has been filed by the petitioners on 18.05.2026 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 296(b), 115(2), 118(1), 351(3) of BNS, 2023, in Crime No.363 of 2026, on the file of the respondent-police.

3. The case of the prosecution is that, due to previous enmity, on 04.05.2026 the petitioners along with other accused attacked the defacto complainant and his friend Ajithkumar with hands and stone and threatened them with dire consequences, as a result of which the defacto complainant sustained injuries and was admitted to the hospital. Hence, the case.

4. Mr.S.R.Shenbaga Baabu, the 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 petitioners have been falsely implicated in this case and that there is case in counter in Crime No.362 of 2026. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.



5. *Per contra*, Mr.A.Gopinath, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that, due to previous enmity, the petitioners along with other accused, attacked the defacto complainant and his friend, with a stone, in which the defacto complainant sustained injuries. He further submits that the cases in Crime No.363 of 2026 and Crime No.362 of 2026 are 'cases in counter'; that the injured was admitted to the hospital as an in-patient and was discharged from the hospital on 05.05.2026 and that there is no previous case against the petitioners.

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

7. Considering the facts and circumstances of the case, the nature of the offences; and that the petitioners have permanent residence and deep roots in society; there is less possibility of absconding; and further considering that the injured has been discharged from the hospital; there is no previous case against the petitioners; and with a view to give one more opportunity to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their



arrest or in the event of their surrender before the **learned Judicial Magistrate**

No.II at Poonamallee, within a period of 15 days from the date on which the

order copy is made ready, on executing a bond for a sum of 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**

Judicial Magistrate No.II at Poonamallee.

(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 Judicial Magistrate No.II at Poonamallee** 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, every Monday and Friday at 10.00 a.m., until further orders;**

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) 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.

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



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

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II at Poonamallee.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II at Poonamallee or Trial Court, as the case may be, 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.

21-05-2026

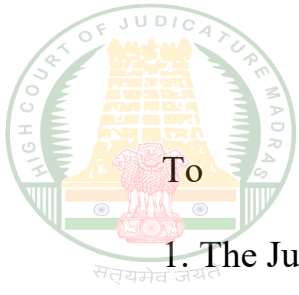
Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KSA-2/SSI

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.



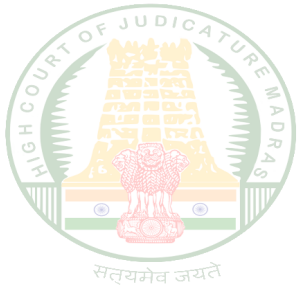
To

1. The Judicial Magistrate No.II, Poonamallee

2. The Inspector of Police (Law and Order)
Maduravoyal Police station,

3. The Public Prosecutor,
High Court, Madras.

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CRL OP No. 13254 of 2



R.SAKTHIVEL, J.

KSA-2

CRL OP No. 13254 of 2026

21-05-2026