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CRL OP No. 14607 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 14607 of 2026

1. C.Kunnimarathan
5/48-A, Valluvar Nagar, Valayapatty, Mohanur
Taluk, Namakkal District.
2. K.Kavin Kumar
5/48-A, Valluvar Nagar, Valayapatty, Mohanur
Taluk, Namakkal District

..Petitioner(s)

Vs

state represented by the inspector of police,
Mohanur Police Station,
Namakkal District.
Crime No.111/2026

..Respondent(s)

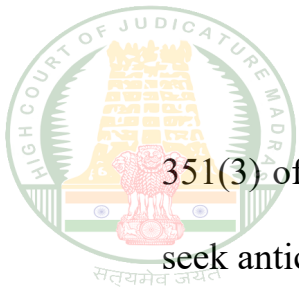
PRAYER : Criminal Original Petition filed under Section 482 of BNSS, 2023, to enlarge the petitioners on bail in the event of his arrest in Crime No.111/2026 pending investigation on the file of the Inspector of Police, Mohanur Police Station, Namakkal District.

For Petitioner(s): Mr. C.D.Johnson

For Respondent(s): MS.R.S.INDIRA,
GOVT.ADVOCATE (CRL.SIDE)

ORDER

The petitioners apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 296(b), 115(2), 118(1) and



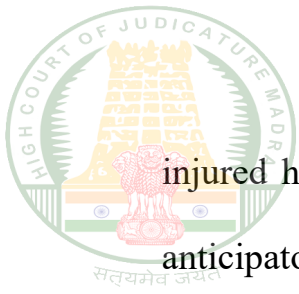
351(3) of BNS, in Crime No.111 of 2026, on the file of the respondent Police, seek anticipatory bail.

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2. The allegation against the petitioners is that the first petitioner is the husband of the defacto complainant's maternal aunt and the second petitioner is the son of the first petitioner. It is alleged that the first petitioner had married the defacto complainant's maternal aunt through a love marriage about 20 years prior to the occurrence and since then, there has been no cordial relationship between the family of the petitioners and that of the defacto complainant. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the alleged occurrence took place on 28.04.2026 and that the injured got discharged. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police reiterated the prosecution case and, upon instructions, submitted that the first petitioner assaulted the defacto complainant on a vital part of the body and that the second petitioner, being a college-going student, has only a lesser overt act attributed against him. She further submitted that the



injured had been discharged from the hospital. Hence, she opposed to grant anticipatory bail to the petitioners.

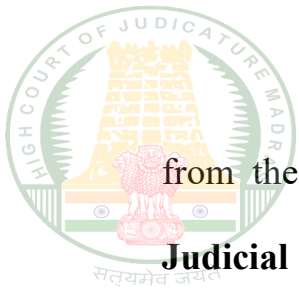
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5. I have given anxious consideration to the submissions made by the learned counsel on either side.

6. Considering the totality of the circumstances of the case, the fact that the injured has been discharged from the hospital and that a specific overt act has been attributed to the first petitioner/A1 in the FIR, this Court is not inclined to enlarge the first petitioner on anticipatory bail. Accordingly, the Criminal Original Petition is dismissed with respect of first petitioner/A1.

7. As far as the second petitioner/A2 is concerned, considering the fact that only a lesser overt act has been attributed to him, that he is a college going student, aged about 18 years, this Court is of the firm view that custodial interrogation of the second petitioner is not required. Hence, this Court is inclined to enlarge the second petitioner/A2 on anticipatory bail, subject to certain conditions.

8. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days



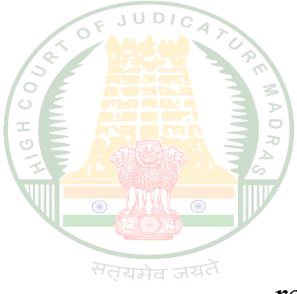
from the date on which the order copy is made ready, before the **learned Judicial Magistrate Court No.II, Namakkal District**, on condition that the **second petitioner shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only)**, with **two sureties each**, for a like sum to the satisfaction of the learned Magistrate concerned, and on further conditions:

(a) If the second petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) The sureties shall affix their photographs and left thumb impression in the application for surety slip (Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a copy of any one of identify proofs to ensure their identity;

(c) **The second petitioner shall report before the respondent police daily at 5.30 p.m, for a period of two weeks and thereafter as and when required for interrogation;**

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on anticipatory bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji v. State of Kerala [(2005) AIR SCW 5560]*;



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(e) If the petitioners thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

9. In the result, this Criminal Original Petition is allowed insofar as the second petitioner is concerned and dismissed insofar as the first petitioner is concerned.

10-06-2026

DRL

To

1.The Judicial Magistrate Court No.II,
Namakkal District.

2.The inspector of police,
Mohanur Police Station,
Namakkal District.

3.The Public Prosecutor,
High Court, Madras.



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C.KUMARAPPAN, J.

DRL

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