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CRL OP No. 16393 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

CORAM

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

CRL OP No. 16393 of 2026

P Sakthivel
No.238, Korapuliyankottai, Adhiyanankottai,
Dharmapuri Tk Dt.

..Petitioner(s)

Vs

The State Rep By, The Inspector of Police
Adhiyamankottai Police Station,
Dharmapuri District.
Crime no.212 of 2026

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, Act, 2023, to grant bail to the petitioner in the event
of his arrest in Crime No.212 of 2026 on the file of the respondent police.

For Petitioner(s): Saritha Sivakumar

For Respondent(s): R.S.Indira
Government Advocate (Crl.side)

ORDER

The petitioner apprehends arrest for the alleged offence under Sections
296(b), 115(2) and 74 of BNS, 2023 in Crime No. 212 of 2026 on the file of
the respondent police seeks anticipatory bail.



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2. The case of the prosecution is that defacto complainant's grandson purchased a mobile phone in the petitioner's name on EMI basis but he failed to pay the EMI. Thereafter, the petitioner visited the defaco complainant's shop and asked her to pay the EMI. At that time, there was a wordy quarrel and the petitioner kicked the defaco complainant due to which, she sustained injury and later, admitted in the hospital. Hence, the case.

3. The learned counsel appearing for the petitioner submitted that the petitioner has been falsely implicated in the present case and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is ready to abide by any stringent conditions that may be imposed by this Court. Hence, he prays for grant of anticipatory bail to the Petitioner.

4. Per contra, the learned Government Advocate (Criminal Side) appearing for the Respondent Police reiterated the prosecution case and submitted that petitioner, who is a collection agent, went to defacto complainant's house. At that time, there was a wordy quarrel between them and the petitioner kicked the defaco complainant. Hence, he opposed for grant of anticipatory bail to the Petitioner.



5. I have given my anxious consideration to either side submissions and perused the materials available on record.

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6. Considering the facts and circumstances of the case, taking note of the submissions made by the learned counsel on both sides, it is seen that the entire issue has arisen when the petitioner gone to the residence of defacto complainant for collecting EMI of the cell phone. The occurrence took place on 23-05-2026 and the FIR came to be registered only on 11-06-2026. Considering the fact that there is a delay of registration of FIR and no serious injury, taking into consideration the totality of the circumstances, the custodial interrogation of the petitioner is not required for investigation. Hence, this Court is inclined to enlarge the petitioner on anticipatory bail, subject to certain conditions.

7. Accordingly, the 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 cum Additional Mahila Court, Dharmapuri**, on condition that **the 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 petitioner fails to surrender before the concerned learned Magistrate within a period of fifteen (15) days from the



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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 ship (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 petitioner shall report before the respondent Police daily at 10.30 am., for a period of two weeks and thereafter, as and when required for integration.

(d) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate actions against the petitioner in accordance with law as if the conditions have been imposed and the 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]*;

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

29-06-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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To:

1. The Judicial Magistrate cum Additional Mahila Court, Dharmapuri.
2. The Inspector of Police
Adhiyamankottai Police Station,
Dharmapuri.
3. The Public Prosecutor,
High Court of Madras.



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C.KUMARAPPAN, J.

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