Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-11-2026

CORAM

THE HON'BLE MR.JUSTICE N.RAMESH

CRL OP No. 30272 of 2026

CNR: {HCMA012497912026}

Case QR

1. Mydeenbasha Katharbasha
   S/o Katharbasha,
   No.95/5, Nandhavana Thottam,
   Sakthi Main Road,
   Periyasemur, Erode.
2. Mohammedaswir Mydeenbasha
   S/o Mydeenbasha,
   No.95/5, Nandhavana Thottam,
   Sakthi Main Road,
   Periyasemur, Erode.

..Petitioner(s)

Vs

The State Rep. by, The Inspector of Police
B-3, North Police Station,
Erode.

..Respondent(s)

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, Act, 2023, praying to enlarge the Petitioners/Accused on Anticipatory Bail on event of arrest in Cr.No.439 of 2026 on the file of Respondent Police(B-3, North Police Station,Erode) and thus render justice.

For Petitioner(s): Illiyas M
For Respondent(s): Mr.R.Rajasekaran, Govt.Advocate (Crl.Side)

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ORDER

The petitioners apprehend arrest for the alleged offence under Section 296(b), 115(2), 118(2) and 351(2) of BNS in Crime No.439 of 2026 on the file of the respondent police seeks anticipatory bail.

2. The case of the prosecution is that the petitioners, along with the other accused, abused the de facto complainant in filthy language, assaulted him with wooden logs and caused injuries. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there are no bad antecedents against the petitioners. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.side) appearing for the respondent police reiterated the prosecution case and submitted that the injured has been treated as an out-patient and the petitioners are not having any previous case and the injured discharged from the hospital. However, 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 and also perused the records available.

6. From the submissions made by the learned Government Advocate (Criminal Side), it is seen that the de facto complainant sustained only a simple injury, was treated as an outpatient, and was subsequently discharged from the hospital. Therefore, this Court is inclined to show leniency and enlarge the petitioners on anticipatory bail, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the **learned Judicial Magistrate-II, Erode,** on condition that **the petitioners shall execute a separate 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 petitioners 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 ship (Judicial Form

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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 petitioners shall report before the respondent police everyday at 10.30 a.m., for a period of two week 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 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.

03-11-2026

MPA

To

1. The Judicial Magistrate-II, Erode.

2. The Inspector of Police
B-3, North Police Station,
Erode.

3. The Public Prosecutor, High Court of Madras.

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N.RAMESH, J.

MPA

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