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Crl.O.P.No.35029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM

THE HONOURABLE MR. JUSTICE K.RAJASEKAR

Crl.O.P.No.35029 of 2025

1. P.Muhammed Faizal
2. K.A.Nowfal Shafi

... Petitioners

Vs.

State By,
Represented by The Inspector of Police,
Thalaivasal Police Station,
Salem District.
Crime No.443 of 2025.

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, to enlarge the petitioners on anticipatory bail in the event of his arrest in Crime No.443 of 2025 on the file of the respondent police.

For Petitioners : Mr.Nelson Britto

For Respondent : M/s.J.R.Archana
Government Advocate (Crl. Side)



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ORDER

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The petitioners herein apprehends arrest at the hands of the respondent police for the offences punishable under Sections 329(3), 191(2), 296(b), 75(2), 76, 351(2) of BNS in Crime No.443 of 2025, on the file of the respondent Police, seek anticipatory bail.

2. The allegation against the petitioners is that they joined hands with other accused involved in threatening the defacto complainant and others, further they had also sexually abused the ladies who were in the premises. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case already there was enmity between the parties and a complaint was earlier lodged by the petitioner's side. Hence, he prayed for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) reiterated the prosecution case and submitted that as an date first petitioner is not an accused. He further submitted that, 2nd petitioner has no previous case, investigation is pending and opposed to grant bail.



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5. Considering the fact that the first petitioner is not an accused, this Criminal Original Petition is dismissed in respect of the 1st petitioner. Considering the nature of allegations as against the 2nd petitioner, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions:

6. Accordingly, the 2nd petitioner is ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate No.II, Attur** on condition that each of the 2nd petitioner shall execute a bond for a sum of **Rs.15,000/- (Rupees Fifteen Thousand Only)** **with two sureties** each for a like sum to the satisfaction of the learned Magistrate concerned, and on further condition that:

[a] if the 2nd petitioner fails to surrender before the concerned Magistrate within a period of fifteen 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 No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Magistrate shall obtain a



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copy of any one of the identity proofs to ensure their identity;

[c] the 2nd petitioner shall report before the respondent police daily at 10.30.a.m., for a period of two weeks and thereafter as and when required for interrogation;

[d] On breach of any of the aforementioned conditions, the learned Magistrate/Trial Court is entitled to pass appropriate orders against the 2nd petitioner in accordance with law as if the aforementioned conditions have been imposed and the 2nd petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)13 SCC 283]**;

[e] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of B.N.S.

08.01.2026

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To

- 1.The Judicial Magistrate No.II, Attur.
- 2.The Inspector of Police,
Thalaivasal Police Station,
Salem District.
- 3.The Public Prosecutor,
High Court of Madras.



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K.RAJASEKAR, J.

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