



CRL OP(MD). No.3728 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/02/2026

PRESENT

The HONOURABLE MRS. JUSTICE S.SRIMATHY

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1.Kalathinathan

2.Jegatheesan ... Petitioners/Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Uvari Police Station,
Tirunelveli District.
Crime No.90 of 2026. ... Respondent/Complainant

For Petitioners : R.Ponkarthikeyan
Advocate.

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl.Side)

PRAYER :-

C-38AB. For Anticipatory Bail in Crime no.90
of 2026 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the
hands of the respondent police for the offences



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punishable under Sections 296(b), 127(2), 131, 351(2), 305(a) and 49 of BNS, 2023, [Corresponding Sections 294(b), 342, 352, 506(1), 380, 109 of IPC], 2001, in Crime No.90 of 2026 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and other accused persons trespassed into the shop of the defacto complainant and assaulted him and criminally intimidated him and also removed grocery articles, a refrigerator, rice bags and cash to the tune of Rs.5 lakhs. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution. He further submitted that the petitioners are ready and willing to abide by any conditions which may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioners.



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4. The learned Government Advocate (Crl. side) submitted that the allegation against the petitioners is that they broke open the shop of the defacto complainant and taken the properties. Totally there are 3 accused and the properties were recovered. He further submitted that there are no previous cases pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, and since the stolen properties were recovered this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Radhapuram, within a period of fifteen

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days from the date on which the order copy is made

ready and on further conditions that:

[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

[b] the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required;

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial;

[d]the petitioners shall not abscond either during investigation or trial;

[e]On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in



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accordance with law as if the conditions have been imposed and the petitioners are 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)AIR SCW 5560];

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

23.02.2026

PJL

TO

- 1.Judicial Magistrate, Radhapuram.
- 2.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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S.SRIMATHY, J

PJL

ORDER
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