



CRL OP(MD). No. 7055 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Date : 09.04.2026

PRESENT

THE HONOURABLE MR. JUSTICE P. DHANABAL

CRL OP(MD). No. 7055 of 2026

Murali

...Petitioner/Accused

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Adiramapattinam Police Station
Thanjavur District
(Crime No.314 of 2025)

...Respondent

For Petitioner : Mr.M.Yesudasan
For Respondent : Mr.P.Kottaichamy
Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.314 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

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The petitioner/A1, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 126(2), 121(1), 296(b), 351(3) of BNS in Crime No.314 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is a Government Bus Driver employed with the Kumbakonam Transport Corporation. On 15.06.2025, while the defacto complainant was driving along the route from Pattukkottai to Muthupattai near EC Road, certain unknown persons were allegedly standing in the middle of the road. When the defacto complainant questioned them, they allegedly assaulted him with their hands, abused him verbally, and threatened him with dire consequences. Subsequently, the defacto complainant was admitted to the Government Hospital. Based on the information received from the hospital, the respondent registered the case.

3. The learned counsel for the petitioner would submit that the respondent police has registered a false case against the petitioner for the



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offences under Sections 126(2),121(1),296(b), 351(3) of BNS in Crime No.

314 of 2025 and he has not committed any offence as alleged in the First Information Report. He further submitted that earlier the petitioner filed petition for anticipatory bail in CrI.O.P(MD) No.11239 of 2025 and this Court by an order dated 03.07.2025 has granted anticipatory bail to the petitioner, however due to unavoidable circumstances he is unable to furnish and thereby the time granted by this Court expired, hence he has filed the present petition.

4. The learned Government Advocate(CrI.Side) submitted that this Court has earlier granted anticipatory bail to the petitioner in CrI.O.P(MD) No.11239 of 2025 and the petitioner has not complied with the said condition and without seeking extension of time he has filed second application for anticipatory bail and the same is not maintainable and thereby he prays to dismiss the petition.

5. Heard both sides and perused the materials available on record.

6. It is admitted fact that the petitioner herein has approached this Court for anticipatory bail and this Court by an order dated 03.07.2025 has



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granted anticipatory bail to the petitioner, wherein this Court has directed the petitioner to appear before the learned Judicial Magistrate, Pattukottai within 15 days from the date of receipt of copy of the order and execute a bond for a sum of Rs.10,000/- with two sureties each for the like sum to the satisfaction of the learned Judicial Magistrate, Pattukottai but the petitioner is unable to arrange sureties and thereby he has not complied with the condition and filed the present petition.

7. At this juncture, it is relevant to rely upon the following judgments of the Hon'ble Supreme Court.:

(i) *Jayaprakash vs. State represented by the Station House Officer, Thirukanour Police Station, Puducherry reported in 2015(1) MWN (Cr.) 518, wherein it is held as follows:*

"12. Courts exercising Criminal jurisdiction have full power to secure the liberty of the person. It is there Constitutional duty and obligation. They cannot put limitation on themselves, when law itself does not impose such a limitation. To do justice Courts can simply ignore technicalities and procedures. They are hand maid of justice and are not justice itself. If the Court feels that the justice is to be done or it can simply ignore the unnecessary procedure formalities and render justice.

13. In the Anticipatory Bail order, passed under Section 438 Cr.P.C, the condition to produce sureties within 15 days is a procedural matter. It is a self created procedure by the Court. Such a condition or procedure has not been prescribed in the Code of Criminal Procedure itself.

14. Now, in this case, in Crl. M.P. No.1394 of 2014, the learned Principal Sessions Judge, Puducherry was pleased to grant Anticipatory Bail to the petitioner. The order directing release



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of the petitioner in the event of his arrest is the essential feature of an order passed under Section 438 Cr.P.C.. The other aspects are non-essential features in an order granting Anticipatory Bail. The essential features of an order cannot be tinkered de hors law, without hearing the parties.

15. As regards to the non-essential features in the Anticipatory Bail Order, namely, prescribing 15 days time to surrender, Courts always have the power to extend the surrender period / date. There is no res judicata to these orders.

16. An Anticipatory Bail Order which has not been cancelled, will remain as it is. Not extending the time to surrender will lead to some practical problem. Police cannot arrest because already Bail Order is there, the accused also cannot furnish the bail bond. One of the attributes and quality of a judicial power is its magnanimity. The majesty of justice rests on magnanimity".

8. Also the Hon'ble Supreme Court in *Sushila Aggarwal and others v. State (NCT of Delhi) and another in the final conclusions in para nos.1 to 3 and 12, held as follows:-*

"FINAL CONCLUSIONS:

In view of the concurring judgments of Justice M.R. Shah and of Justice S. Ravindra Bhat with Justice Arun Mishra, Justice Indira Banerjee and Justice Vineet Saran agreeing with them, the following answers to the reference are set out:

(1) Regarding Question No.1, this Court holds that the protection granted to a person under Section 438 Cr.P.C. should not invariably be limited to a fixed period; it should inure in favour of the accused without any restriction on time. Normal conditions under Section 437(3) read with Section 438(2) should be imposed; if there are specific facts or features in regard to any offence, it is open for the Court to impose any appropriate condition (including fixed nature of relief, or its being tied to an



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event) etc.,

(2) As regards the second question referred to this Court, it is held that the life or duration of an anticipatory bail order does not end normally at the time and stage when the accused is summoned by the Court, or when charges are framed, but can continue till the end of the trial. Again, if there are any special or peculiar features necessitating the Court to limit the tenure of anticipatory bail, it is open for it to do so.

1, This Court, in the light of the above discussion in the two judgments, and in the light of the answers to the reference, hereby clarifies that the following need to be kept in mind by Courts, dealing with applications under Section 438 Cr.P.C.

(1) Consistent with the judgment in Shri Gurbaksh Singh Sibbia and others v. State of Punjab", when a person complains of apprehension of arrest and approaches for order, the application should be based on concrete facts (and not vague or general allegations) relatable to one or other specific offence. The application seeking anticipatory bail should contain bare essential facts relating to the offence, and why the applicant reasonably apprehends arrest, as well as his side of the story. These are essential for the Court which should consider his application, to evaluate the threat or apprehension, its gravity or seriousness and the appropriateness of any condition that may have to be imposed. It is not essential that an application should be moved only after an FIR is filed; it can be moved earlier, so long as the facts are clear that there is reasonable basis for apprehending arrest.

(2) It may be advisable for the Court, which is approached with an application under Section 438, depending on the seriousness of the threat (of arrest) to issue notice to the public prosecutor and obtain facts, even while granting limited



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interim anticipatory bail.

(3) Nothing in Section 438 Cr.P.C. compels or obliges Courts to impose conditions limiting relief in terms of time, or upon filing of FIR, or recording of statement of any witness, by the police, during investigation or inquiry etc., While considering an application (for grant of anticipatory bail) the Court has to consider the nature of the offence, the role of the person, the likelihood of his influencing the course of investigation, or tampering with evidence (including intimidating witnesses), likelihood of fleeing justice (such as leaving the country), etc., The Courts would be justified - and ought to impose conditions spelt out in Section 437(3) Cr.P.C. [by virtue of Section 438(2)]. The need to impose other restrictive conditions, would have to be judged on a case by case basis, and depending upon the materials produced by the State or the investigating agency. Such special or other restrictive conditions may be imposed if the case or cases warrant, but should not be imposed in a routine manner, in all cases. Likewise, conditions which limit the grant of anticipatory bail may be granted, if they are required in the facts of any case or cases; however, such limiting conditions may not be invariably imposed.

(12) The observations in Siddharam Satlingappa Mhetre v. State of Maharashtra & Ors (and other similar judgments) that no restrictive conditions at all can be imposed, while granting anticipatory bail are hereby overruled. Likewise, the decision in Salauddin Abdulsamad Shaikh v. State of Maharashtra and subsequent decisions (including K.L. Verma v. State & Anr, Sunita Devi v. State of Bihar & Anr, Adri Dharan Das v. State of West Bengal, Nirmal Jeet Kaur v. State of M.P. & Anr., HDFC Bank Limited v. J.J. Mannan; Satpal Singh v. the State of Punjab and Naresh Kumar Yadav v. Ravindra Kumar)



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which lay down such restrictive conditions or terms limiting the grant of anticipatory bail, to a period of time are hereby overruled".

9. On a careful perusal of the above said judgments, it is clear that Nothing in Section 438 Cr.P.C. compels or obliges Courts to impose conditions limiting relief in terms of time and that the protection granted to a person under Section 438 of Cr.P.C. should not invariably be limited to a fixed period and it should inure in favour of the accused without any restriction on time.

10. In the case on hand, already this Court granted anticipatory bail by fixing time to execute sureties on a specific direction that the petitioner is ordered to be released on bail in the event of arrest or on his appearance within a period of 15 days from the date of receipt of a copy of the order before the Judicial Magistrate, Pattukottai. Since, there is no time limit fixed as per law and the Hon'ble Supreme Court of India in the above mentioned cases instead of granting anticipatory bail once again, is inclined to extend the time for another **1 month** from the date of receipt of copy of this order to furnish sureties to the petitioner.



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11. With the above observations, the Criminal Original Petition is disposed of.

(P D B J)
09.04.2026

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To

- 1.The Judicial Magistrate, Pattukottai
- 2.The Inspector of Police,
Adiramapattinam Police Station
Thanjavur District
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P. DHANABAL, J

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ORDER
IN
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