

(2026) 05 MAD CK 1357

In the Madras High Court

Case No : Criminal Original Petition No. 13940 Of 2026

Abinesh And Others

APPELLANT

Vs

State

RESPONDENT

Date of Decision : 29-05-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 296(b), 115(2), 118(1), 191(2), 191(3), 269, 351(3)

Citation : (2026) 05 MAD CK 1357

Hon'ble Judges : Mohammed Shaffiq, J

Bench : Single Bench

Advocate : A.Sathish, S.Yogaraja Sekar

Judgement

Mohammed Shaffiq, J

1. The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 296(b), 191(2), 191(3), 115(2), 118(1) and 351(3) of BNS in Cr.No.423 of 2026 on the file of the respondent Police, seek anticipatory bail.

2. The learned counsel for the petitioners, pleading innocence on the part of the petitioners and false implication in the case, seeks indulgence of this Court. He submits that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are ready to abide by any stringent condition that may be imposed by this Court. Therefore he prayed to grant anticipatory bail to the petitioners.

3. The case of the prosecution as put forth by the learned Government Advocate (Crl.Side) appearing for the respondent police, opposing for grant of anticipatory bail, is that due to previous enmity between the petitioners and the defacto complainant, on the date of occurrence, both parties abused each other in filthy language and assaulted one another with their hands, stones and wooden logs.

Due to which, the defacto complainant sustained only simple injuries. There are no previous cases against the petitioners.

4. Having heard the learned counsel for the petitioner, the learned Government Advocate (Crl.Side) for the respondent Police and perused the materials available on record and considering that there are no previous cases pending against the petitioners and the injured has sustained simple injuries and treated as out patient, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Munsif cum Judicial Magistrate, Madhavaram, Chennai, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent Police, daily at 10.30 a.m., until further orders;

[c] the petitioners shall not tamper with 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 accordance with law as if the conditions have been imposed and the petitioners 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 B.N.S.