

(2026) 05 MAD CK 1316

In the Madras High Court, Madurai Bench

Case No : Criminal Original Petition (MD) No. 9552 Of 2026

Balakrishnan And Others

APPELLANT

Vs

State Of Tamilnadu

RESPONDENT

Date of Decision : 20-05-2026

Acts Referred:

Bharatiya Nyaya Sanhita, 2023 — Section 109, 118(1), 191(2), 191(3), 269, 296(b), 324(4), 351(3)

Citation : (2026) 05 MAD CK 1316

Hon'ble Judges : R.Vijayakumar, J

Bench : Single Bench

Advocate : D. Rajaboopathy, E.Antony Sahaya Prabahar

Judgement

R.Vijayakumar, J

1. The petitioners, who apprehend arrest at the hands of the respondent for the offences punishable under Sections 191(2), 191(3), 296(b), 324(4), 118(1), 109 and 351(3) of BNS, 2023, in Crime No.40 of 2026 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that, on 19.02.2026 at about 8.30 p.m., due to previous enmity, the petitioners and the other accused allegedly attacked the defacto complainant and caused damage to the divine idol. Hence, a case has been registered against the accused for the aforesaid offences. Hence, this petition.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) fairly submits that due to previous motive between the defacto complainant and the petitioners, the occurrence happened and injured was discharged from the hospital and also the

petitioners have no previous case. However, he opposes to grant anticipatory bail to the petitioners.

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

6. Considering the rival submissions on either side and the nature of offences charged against the petitioners and considering the facts that the injured was discharged from the hospital and no previous case is pending against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Thirumangalam, Madurai District within a period of fifteen 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 Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before the respondent police once in a week i.e., on every Monday at 10.30 a.m. until further orders;

[c] the petitioners shall not commit any offences of similar nature.

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

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Judicial 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].

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