

TNMD010015572026



In the Court of the Principal Sessions Judge, Madurai.

Present : Thiru. S. SIVAKADATCHAM, B.Sc., M.L.,

Principal Sessions Judge, Madurai.

Saturday, this the 7th day of March, 2026.

CrI.M.P.No.978/2026

CNR No.TNMD010015572026

1. Aandavar, S/o.Bose

2. Vijayandavar, C/o.Ravi

... Petitioners/Accused.

Vs

State through the Inspector of Police,

Usilampatti Town P.S. in Cr.No.69/2026

... Respondent/Complainant.

This e-petition coming on today for hearing before me in the presence of Thiru.S.Sasikumar, Advocate for the petitioners and of Public Prosecutor for the State, this court passed the following:

Order

1. Anticipatory Bail application u/s 482 of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS).

2. Heard both sides.

3. The learned counsel for the petitioners/accused would submit that the respondent police registered a case against the petitioners and another in Cr.No.69/2026 for the offences u/s 126(2), 296(b), 115(2), 118(2) & 351(3) of BNS. The petitioners are innocent and they have not committed any offences as alleged. Due to previous enmity, the present false complaint has been lodged. Injured discharged from hospital. The petitioners have not filed similar petition before the Hon'ble Madurai Bench of Madras High Court or any other court. The petitioners apprehend arrest at the hands of police and they are ready to abide by any conditions that would be imposed by this court and prayed for grant of anticipatory bail to the petitioners.

4. The learned Public Prosecutor submitted that totally there are 2 named accused and one unnamed accused in this case and the petitioners are A1 & A2. As

per the case of the prosecution, there existed enmity between A1 and the defacto-complainant. As a result, on 16.02.2026 at 12.50 p.m., when the defacto-complainant was coming near Vinayagar temple in their village, the accused persons have wrongfully restrained the defacto-complainant, abused him in vulgar words and assaulted him with iron rod at his head and kicked him brutally. On gathering of neighbours, they criminally intimidated the defacto-complainant with dire consequences and fled the scene of occurrence. Hence, the complaint. Injured discharged from hospital on 20.02.2026. A1 is involved 10 previous cases. Investigation is pending and objected to grant anticipatory bail to the petitioners.

5. Rival contentions are taken into consideration. The alleged offences against the petitioners /accused are u/s 126(2), 296(b), 115(2), 118(2) & 351(3) of BNS. The occurrence is said to have taken place on 16.02.2026. Injured discharged from hospital on 20.02.2026. The learned Public Prosecutor strongly objected stating that A1 is involved in 10 previous cases and produced the previous case particulars for perusal. It appears that the previous cases are concerned with year 2015 to 2024 and that A1 is constantly involved in criminal activities. Moreover, on perusal of FIR, it is seen that the petitioner/A1 assaulted the defacto-complainant with Aruval and caused injuries at head. Under such circumstances, considering the specific overt act attributed against A1, the bad antecedents being reported against A1 and the objections placed on the side of prosecution, this court is not inclined to grant anticipatory bail to A1 at this stage. So far as A2 is concerned, no previous case is reported against him and it seems that though he was present at the place of occurrence, no serious allegations are levelled against him and hence, this court is inclined to grant anticipatory bail to A2 alone on conditions.

In the result, in the event of arrest or on his surrendering before the Court concerned the 2nd petitioner is ordered to be released on anticipatory bail on his executing a bond for a sum of Rs.10,000/- with two sureties each for a like sum to the satisfaction of Judicial Magistrate No.I, Usilamaptti subject to the following conditions:-

(i) The 2nd petitioner shall surrender before the Court concerned within 15 days from today without fail.

(ii) The 2nd petitioner shall appear and sign before the Inspector of police, respondent police station **daily at 10.00 a.m. for a period of 15 days.**

(iii) The petitioner shall co-operate with the investigation and shall not threaten the witnesses. He shall not induce witnesses and shall not cause hindrance to the pending investigation.

(iv) If there is any violation of condition, the Investigation officer is within his discretion to approach the Court of the learned Judicial Magistrate concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **Shaji/Vs./ State of Kerala, (2005) AIR S.C.W. 5560.**

So far as the 1st petitioner is concerned, the petition is dismissed.

Pronounced by me in the Open Court on the 7th day of March, 2026.

Principal Sessions Judge,
Madurai

Copy to

1. The J.M.No.1. Usilampatti.
2. The Inspector of Police, Usilampatti Town P.S.
3. The Petitioners through their counsels.