

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, PUDUKKOTTAI**PRESENT : Thiru.K.Poorana Jeya Anand, M.A., M.L.,****Principal Sessions Judge, Pudukkottai.****Saturday the 07th day of March, 2026**

Criminal Miscellaneous Petition No : 580/2026

{CNR No.TNPD01-0010282026}

1. Kalimuthu, S/o. Subbaiah,
2. Muthuvel, S/o. Kalimuthu,
3. Palaniammal, W/o. Muthuvel

.....Petitioners/Accused

/Versus/

State of Tamil Nadu represented by Inspector of Police,
Avudaiyarkovil Police Station,
Cr.No.21/2026.

.... Respondent/Complainant

This petition coming on this day before me for hearing in the presence of Thiru.KMS.Senthilkumar, Learned Advocate appearing for the Petitioners and the Learned Public Prosecutor Thiru.B.Venkatesan, on behalf of the Complainant and this Court passed the following,

ORDER

This e-petition is filed by the petitioners U/s.482 of Bharatiya Nagarik Suraksha Sanhita (BNSS)-2023, praying for anticipatory bail.

Notice was issued. Reply was filed by the prosecution.

The Learned Counsel for the petitioners submits that the petitioners are being charged for offences u/s. 296(b), 115(2), 351(2) of BNS r/w Sec.4 of TNPHW Act in Cr.No.21/2026 of Avudaiyarkovil Police Station and they have not committed any offences as alleged and they have been falsely implicated in this case due to civil dispute and also submits that the injured person was not taken treatment as inpatient and the investigation is almost completed. The 1st petitioner has also filed a complaint against the complainant in Avudaiyarkovil Police station on Cr.No.22/2026. He also filed anticipatory bail petition in CrI.M.P.526/2026 and the same was pending. He further submits that there is no anticipatory bail application pending before the Hon'ble Madras High Court and the petitioners are ready to abide by any condition imposed by this court and hence, he seeks anticipatory bail for the petitioners.

The Learned Public Prosecutor submits that on 15.02.2026 a quarrel was erupted in between the parties due to previous enmity, in which, both parties using filthy words and assaulted each other and when the plaintiff went to take a video on her cell phone, the

3rd accused cursed the plaintiff, the 2nd accused grabbed the plaintiff by the hair and pushed her down, and the 3rd accused kicked the plaintiff in the stomach and sustained injuries and to that effect, the petitioners herein made a quarrel with the de-facto complainant, they caused injury to the de-facto complainant and the injured person has taken treatment to the hospital, a case and counter case are said to be registered against each other party and the investigation is still pending and hence, he opposed to grant anticipatory bail in favour of the petitioners.

With regard to anticipatory bail, this court relied upon a case law reported in AIR 1980 SC. 1632 rendered by our Hon'ble Supreme Court of India in a case of Shri Gurbaksh Singh Sibbia Vs. State of Punjab, wherein it has been held as follows:-

“The nature and seriousness of the proposed charges, the context of the events likely to lead to the making of the charges, a reasonable possibility of the applicant's presence not being secured at the trial, a reasonable apprehension that witnesses will be tampered with and "the larger interests of the public or the state" are some of the considerations which the court has to keep in mind while deciding an application for anticipatory bail.”

Both sides' contentions are taken into consideration. The occurrence is said to have taken place in between the parties due to previous enmity. Admittedly, a case and counter case are said to be registered against each other party and this is the main case to the counter case registered as stated supra. The injured persons in both the case and counter case are said to have discharged from the hospital in this case. It seems that the material part of investigation would have been almost completed by this time. The only non-bailable offence is Sec.4 of TNPHW Act. By considering the above aspects, other facts and circumstances of the case, nature of offences and in view of the decision cited supra and in the absence of any serious objection on the side of the prosecution, this court is of the view that the petitioners can be granted anticipatory bail.

In the result, this Anticipatory Bail Petition is allowed with the following conditions:-

- 1) In the event of arrest or on their appearance before the Jurisdictional Magistrate, the petitioners are ordered to be enlarged on bail on them executing a bond for a sum of Rs.10,000/-each with two sureties for a like sum each to the satisfaction of the Jurisdictional Magistrate,
- 2) The petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and also submit a copy of their Aadhaar Card or any other identity card issued by the Government in proof of their identity,

- 3) The petitioners shall appear and sign before the Station House officer of the respondent daily at 10.30 a.m. for a period of 15 days (including holidays) from the next day of execution of bond before the Jurisdictional Magistrate, without fail and thereafter, as and when required for interrogation,.
- 4) The petitioners shall comply with the conditions stipulated u/s 482(2) of Bharatiya Nagarik Suraksha Sanhita (BNSS) - 2023 scrupulously,
- 5) The petitioners shall surrender before the Jurisdictional Magistrate within 30 days from the date of this order, failing which, this anticipatory bail order shall stand cancelled automatically without any further reference to this court.
- 6) On breach of any of the above said conditions, the Jurisdictional Magistrate is entitled to take appropriate action against the petitioners in accordance with law as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala reported in (2005) AIR SC W 5560
- 7) If the petitioners thereafter absconds, a fresh FIR can be registered under section 269 of BNS and
- 8) The Station House Officer of Respondent P.S. is directed to send a report to this court as to compliance of reporting condition by the petitioners.

Pronounced by me in Open Court, this the 07th day of March, 2026.

**Principal Sessions Judge,
Pudukkottai.**

Copy to:

The District Munsif cum Judicial Magistrate, Avudaiyarkovil.
The Inspector of Police, Avudaiyarkovil P.S.,
The Counsel for the petitioners.