

**IN THE COURT OF PRINCIPAL SESSIONS JUDGE,  
SALEM**

Present : Tmt.S.Sumathy, M.L.,  
Principal Sessions Judge,  
Salem.

Tuesday, this the 10<sup>th</sup> day of March, 2026

**CRIMINAL MISCELLANEOUS PETITION No. 618/2026**  
**(CNR.No.TNSA010012622026)**

1) Vithiyaraj (32), S/o. Govindaraji  
2) Govindaraji (63),  
S/o. Marimuthu ...Petitioners/Accused No.1 & 2

/Versus/

State by : The Sub Inspector of Police,  
Tholasampatti P.S.,  
Cr.No. 27/2026 ...Respondent/Complainant

This petition filed on 07.03.2026 under section 482 of BNSS., to grant anticipatory bail to the petitioners.

This petition is coming on this day for hearing before me, in the presence of Tr.R.Mahalingam, Counsel for the petitioners and the Public Prosecutor for the respondent, after perusing the averments, this Court passed the following:

**ORDER**

Heard both side and perused the records.

2) This petition is filed by Counsel for petitioners/accused u/s.482 of BNSS., seeking anticipatory bail. The petitioners who apprehend arrest at the hands of the respondent/police for the alleged offences punishable u/s.296(b), 118(1) and 351(3) of BNS, have filed this petition seeking to release them on

anticipatory bail.

3) The case of the prosecution is that the defacto complainant and the 1<sup>st</sup> petitioner are brothers, and the 2<sup>nd</sup> petitioner is their father. The defacto complainant had borrowed a sum of Rs.3,00,000/- from a known person for his brother's personal expenses. When he demanded repayment, a quarrel arose between the complainant and the petitioners regarding the said amount. On 06.02.2026 at about 15.00 hours, near Panangattur area, during the said quarrel, the petitioners abused the defacto complainant in filthy words; the 1<sup>st</sup> petitioner assaulted with wooden log on his forehead; the 2<sup>nd</sup> petitioner assaulted with wooden log on his left wrist and caused injuries to him and also threatened him with dire consequences. Hence, this case.

4) The learned Counsel for the petitioners has submitted that the petitioners have not committed any offence and they have been falsely implicated in this case. He further submitted that the injured person has been discharged from the hospital; the petitioners are ready to abide any condition imposed by this Court and hence he prays to enlarge the petitioners on anticipatory bail.

5) The learned Public Prosecutor has reiterated the facts of the case and submitted that on the date of occurrence, due to previous enmity regarding money dispute a quarrel arose between the parties, and in the said quarrel the occurrence happened. He also submitted that the injured person sustained

simple injuries and has been discharged from the hospital, the investigation is pending and hence he opposed to grant anticipatory bail to the petitioners.

6) In the stated circumstances, considering the nature of the offence, the facts of the case and the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners on the following conditions:

- i) that in the event of arrest of the petitioners by the respondent/police or on their surrender before the learned Judicial Magistrate, Omalur within 15 days from the date of this order and on such arrest or surrender the petitioners are ordered to be enlarged on anticipatory bail on their executing bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Omlaur;
- ii) that 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 Aadhaar Card or Bank Pass Book to ensure their identity;
- iii) that the petitioners shall appear and sign before the learned Judicial Magistrate, Omalur daily at 10.00 a.m. except holidays, until further orders (for a minimum period of 30 days) and on further condition that they shall make available themselves for interrogation as and when required by the Investigation Officer;
- iv) that the petitioners shall not tamper with evidence or witness either during investigation or trial;
- v) that the petitioners shall not abscond either during investigation or trial;
- vi) that 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 themselves as laid down by the Hon'ble Supreme Court *in P.K.Shaji-vs-State of Kerala [(2005) AIR SCW 5560]*; and

- vii) If the accused thereafter absconds, a fresh FIR can be registered u/s.269 of BNS.

With the above said directions, this petition is allowed.

Pronounced by me in Open Court, this the 10<sup>th</sup> day of March, 2026.

Principal Sessions Judge,  
Salem.

Copy to the Judicial Magistrate, Omalur.

Copy to the Sub Inspector of Police, Tholasampatti P.S.