



CRL OP(MD). No.1483 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Subash @ Subashkumar
2.Dhamu @ Dhamotharan

... petitioners/ Accused Nos.8 &11

Vs

The State of Tamilnadu Rep.,
By, the Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.15 of 2025).

... Respondent/Complainant

For petitioners : Mr. V.Arunkumar
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.15 of 2025 on the file of the respondent police



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 23.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / Accused Nos.8 and 11 apprehend arrest at the hands of the respondent police for the offence punishable under Sections 191(2), 296(b), 115(2), 118(1), 351(2) of BNS @ 126(2), 191(2), 296(b), 115(2), 351(2) and 109(1) of BNS, in Crime No.15 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that there was a scuffle between the parties during the Adal Padal function held at the temple festival. Due to the vengeance, on 13.01.2025, when the defacto complainant was at his house, a person belonging to the village of the accused persons came and threatened him. Subsequently, on 17.01.2025, at 12:45 p.m., when the defacto complainant, along with some of his villagers, was going for work, near Gowri Pavan, Paramakudi, the accused persons abused them using filthy language, attacked them with wooden logs, causing injuries, and threatened them with dire consequences. Hence, the case.



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4. Mr. V.Arunkumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases pending against the petitioners. He further submits that the victim was admitted in the hospital on 17.01.2025 and discharged on 12.02.2025. However he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. In view of the offence alleged against the petitioners, this Court is of the view that custodial interrogation is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and



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circumstances of the case and also taking note of the fact that there are no previous cases against the petitioners and hence, with a view to give an opportunity to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of his surrender before the learned Judicial Magistrate, Paramakudi within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the said Magistrate.

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall stay at Madurai and report before the Judicial Magistrate No.I, Madurai daily twice at 10.30 and 5.30 pm until further orders. The



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petitioners shall also appear before the respondent-Police as and when required for interrogation.

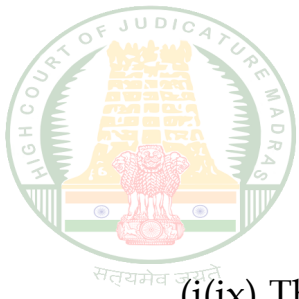
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall not leave India without the previous permission of the Court.

(vii) The petitioners shall not enter into the defacto complainant's village or his work place until further orders.

(viii) The petitioners shall furnish their residential address and mobile numbers to the concerned Magistrate.



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(i(ix) The petitioners shall not directly or in-directly, cause threat to the defacto complainant, witnesses and the victim.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]*.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
14/02/2025

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/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE JUDICIAL MAGISTRATE NO.I
MADURAI.

+1 CC to M/s.V.ARUNKUMAR, Advocate (SR-1700[I] dated 17/02/2025)

ORDER
IN
CRL OP(MD) No.1483 of 2025
Date :14/02/2025

SS/SKN/SAR- /04/03/2025/ 7P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023