



CRL OP(MD). No.1619 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1619 of 2025

1. Mathiyaraja,

2. Kannisamy.

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamilnadu,
Rep. By. the Inspector of Police
Odaipatti Police Station,
Theni District.
Crime No.12/2025.

... Respondent/ Complainant

For Petitioner : Mr.R.Karunanidhi, 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.12/2025 . on the file of the Respondent Police

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 24.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 296 (b), 115(2), 118(1) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.12 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 16.01.2025, the petitioners assaulted the defacto-complainant by using silver kada and scolded in filthy language following by the wordy quarrel. Hence, the case.

4. The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The defacto-complainant was admitted in hospital on 16.01.2025 and discharged on 18.01.2025 due to the simple injury. Hence, they pray for grant of anticipatory bail to the petitioners.



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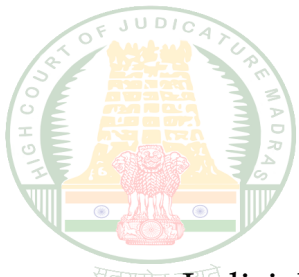
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5. The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that petitioner/A2 has one previous case under Section 302 IPC and the same was ended in acquittal. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners and the defacto-complainant are known persons. The petitioners have permanent residence and hence, there is less possibility of absconding. Considering the facts and circumstances of the case, 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 bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Uthamapalayam, Theni, within a period of 15 days from today, 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.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the



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Judicial Magistrate, Uthamapalayam, Theni.

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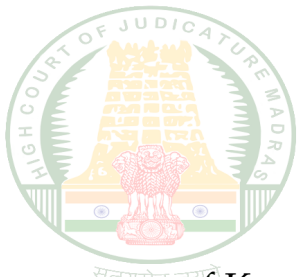
(ii) Thereafter, the petitioners shall appear and sign before the respondent Police daily at 10.00 a.m., from 10.02.2025 till 28.02.2025;

(iii) 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;

(iv) The petitioners shall furnish their residence address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni.

(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Magistrate, Uthamapalayam, Theni, 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 them as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State



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of Kerala [(2005) 13 SCC 283].

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

sd/-
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/02/2025

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

apd

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.
3. THE INSPECTOR OF POLICE
ODAIPATTI POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-1360[I] dated 04/02/2025)

ORDER
IN

CRL OP(MD) No.1619 of 2025
Date :03/02/2025

RK/SKN (26/02/2025) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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