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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.2154 of 2025

1. A. Shanmugam,
2. Thamilarasi,
3. S. Manikandan.

... Petitioners/ Accused 1 to 3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
(Crime No. 393 of 2024).

... Respondent/Complainant

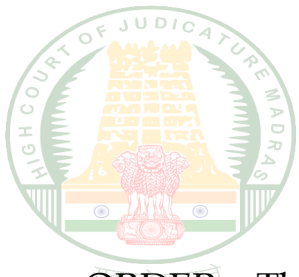
For Petitioners : Mr.A.S.Abul Kallam Azad
for Spicy Law Firm

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. 393 of 2024 on the file of the respondent Police.



ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 30.01.2025 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 118(1), 296(b) & 351(2) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 in Crime No.393 of 2024 on the file of the respondent police.

3. The case of the prosecution is that the petitioners and the defacto-complainant are relatives. Due to money transaction, on 27.08.2024 on 9.00 p.m., the petitioners 1 and 2 were attacked by the defacto-complainant and the defacto-complainant also intentionally admitted in the hospital. Hence, the counter case.

4. Mr.A.S.Abul Kalaam Azad, 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. Hence, they pray for grant of anticipatory bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent Police submits that two previous cases are pending against the second petitioner/ A2, out of which one case was disposed of. In respect of this case, investigation is still pending.



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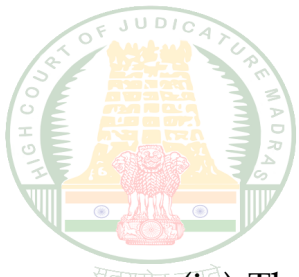
6. Heard on both sides. This Court has perused the records.

7. The petitioners have permanent residence and hence, there is less possibility of absconding. Considering the facts and circumstances of the case and the facts that the petitioners and the defacto-complainant are relatives and this is a case in counter, 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, Aranthangi, Pudukottai, within a period of 15 days from the date of receipt of a copy of this order, 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 learned Judicial Magistrate, Aranthangi, Pudukottai .

(ii) Thereafter, the petitioners shall appear and sign before the respondent Police daily at 10.00 a.m., until further orders;

(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;



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

(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 Judicial Magistrate, Aranthangi, Pudukottai, 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 of Kerala [(2005) 13 SCC 283].

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

sd/-

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



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apd
TO

1 THE JUDICIAL MAGISTRATE
ARANTHANGI,
PUDUKOTTAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI
DISTRICT.

3 THE INSPECTOR OF POLICE,
ARANTHANGI
POLICE STATION,
PUDUKOTTAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.2154 of 2025

Date :03/02/2025

NBF / SKN / SAR- (06/02/2025) 5P / 5C

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