



CRL.OP(MD). No.2024 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2024 of 2025

1.Ayyanar

2.Nagaraj

3.Elugambasamy @ Periyasamy

4.Vaiyamarachan

5.Vaiyadurai

... Petitioners / Accused Nos.4 to 8

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Samayanallur Police Station,
Madurai District.
(Crime No.17 of 2025)

... Respondent / Complainant

Sangu

... Petitioner/Defacto Complainant
In Crl.MP(MD).1638/2025 in Crl.OP(MD).2024/2025

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.17 of 2025 on the file of the respondent-police.



CRL.OP(MD). No.2024 of 2025

WEB COPY

For Petitioners : Mr.Mohammed Ashfaq
for Mr.S.Ramanathan

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

For Intervener : Mr.S.Mahendra Pathy

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 29.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.17 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 26.01.2025, at about 5:00 p.m., while the defacto complainant and his friends were proceeding towards the gate belonging to the accused persons, a confrontation arose due to a prior dispute between them. The accused persons are said to have abused the defacto complainant and his friends using filthy language, attacked them with stones and wooden logs, and threatened them with dire consequences, causing injuries. Subsequently, the defacto



CRL.OP(MD). No.2024 of 2025

complainant was admitted to the hospital. Hence, the present case.

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4. Mr.Mohammed Ashfaq, 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. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that due to injury, the injured was admitted in the hospital on 26.01.2025 and discharged on 20.02.2025. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and taking note of the fact that there are no previous cases against the petitioners and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the



CRL.OP(MD). No.2024 of 2025

petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

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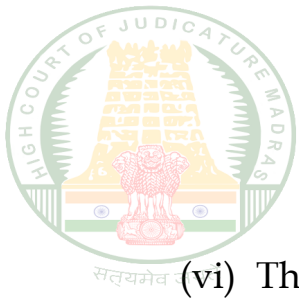
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Vadipatti, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees 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 learned Judicial Magistrate, Vadipatti.

(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 appear and sign before the respondent-police daily at 10.00 a.m. and 05.00 p.m. until further orders.

(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.



CRL.OP(MD). No.2024 of 2025

WEB COPY

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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

(ix) The petitioners shall not enter into the defacto complainant's house or his work place and the land of defacto complainant's uncle.

(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/-
24/02/2025

/ TRUE COPY /

/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL.OP(MD). No.2024 of 2025

PAL
TO
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1 THE JUDICIAL MAGISTRATE,
VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI DISTRICT.

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

ORDER IN
CRL OP(MD) No.2024 of 2025
Date :24/02/2025

SA/SKN/SAR. /05.03.2025/6P/5C

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