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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

CRL OP(MD). No.2066 of 2025

1. Manjula,

2. Ramasamy.

... Petitioners/ Accused No.2 & 3

Vs

The State of Tamilnadu,
Rep. By. the Inspector of Police,
Udayalipatti Police Station,
Pudukottai District
Crime No.10/2025.

... Respondent/Complainant

For Petitioners : Mr.G.Dinesh

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)



WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.10/2025 on the file of the Respondent Police.

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 Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners/Accused No.2 & 3 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 115(2), 118(1), 49 & 351(3) of the Bharatiya Nyaya Sanhita (BNS) Act, 2023 in Crime No.10 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that due to the civil dispute, on 22.01.2025, at about 1:30 p.m., when the defacto complainant went to the well, which is in dispute, for taking water, the accused person abused the defacto complainant in filthy language and Accused No.1 attacked the defacto complainant with Aruval on the back side at his head causing injury. The accused person kicked him with his legs and also threatened him with dire consequences. Hence, the case.

4. Mr.G.Dinesh, the learned counsel appearing for the petitioners, submits that

the petitioners are innocent persons and they have not committed any offence as



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alleged by the prosecution. He further submits that due to the civil dispute, the petitioners have been falsely implicated in this case. He further submits that the first petitioner/A2 also sustained injury on his head and a case in Crime No.11 of 2025 was also registered against the defacto complainant and this is a case in counter. He further submits that the petitioners have no previous case. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the defacto complainant was admitted in hospital on 22.01.2025 and discharged on 08.02.2025. He further submits that if this Court grants pre-arrest bail to the petitioners, they may cause threat to the defacto complainant. Hence, 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 hence, there is less possibility of absconding. The defacto complainant was admitted in hospital on 22.01.2025 and discharged on 08.02.2025. Considering the same and also considering the facts and circumstances of the case and the fact that this is a case in counter and also taking note of the fact that the petitioners have no previous case and the first petitioner/A2 is a woman and the second petitioner/A3 is a 65 years old man and with a view to give an opportunity to the petitioners, to reform



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themselves this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

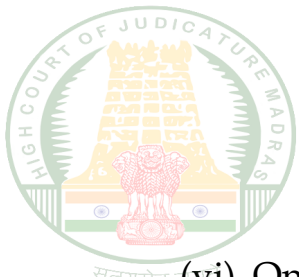
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Keeranur, Pudukottai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees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

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Keeranur, Pudukottai;

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



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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Keeranur, 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 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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/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
KEERANUR, PUDUKOTTAI

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

3 THE INSPECTOR OF POLICE,
UDAYALIPATTI POLICE STATION,
PUDUKOTTAI DISTRICT

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

MADURAI

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



+1 CC to M/s.R.VINOTH, Advocate (SR-1796[I] dated 18/02/2025)

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ORDER

IN

CRL OP(MD) No.2066 of 2025

Date :14/02/2025

NBF / SKN /SAR- (24/02/2025) 6P/6C

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