



CRL OP(MD). No.2124 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Balamurugan
2. Pandiarajan

... Petitioners/ A1 and A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vikramangalam Police Station,
Madurai District.
Crime No.10/2025.

... Respondent/Complainant

For Petitioners : Mr.Samidurai.K,
Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)
For Intervener : Mr.S.Mahendrapathy, Advocate.

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.



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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 30.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / A1 and A2 apprehend arrest at the hands of the respondent police for the offences punishable under Section 108 of Bharatiya Nyaya Sanhita (BNS), 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 money dispute, on 27.01.2025, at about 11.00 am, the petitioners along with 3 other accused came to the house of the defacto complainant and demanded money from the defacto complainant and her husband and also abused him in filthy language. They also threatened them with dire consequences. On the next day, i.e., on 28.01.2025 at about 5.20 pm, due to humiliation, the husband of the defacto complainant had committed suicide by hanging himself. Hence, the case.

4. Today, when the matter was taken up for hearing, Mr.K. Samidurai, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition as far as the second petitioner is concerned and he has also made an endorsement to that effect in the file.



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4. Mr.K. Samidurai, the learned counsel for the petitioners, submits that the 1st petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He, however, submits that the 1st petitioner is 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 1st petitioner.

5. Mr.S.Mahendrapathy, learned counsel for the intervener submits that the petitioners are brothers and they conspired together and committed the alleged offence. He therefore, prays for dismissal of this petition.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that 1st petitioner does not appear to be present at the scene of occurrence. He further submits that the investigation of the case is pending. He further submits that at this stage of investigation, if the pre-arrest bail is granted to the first petitioner, he may cause threat to the defacto complainant and her family members and the witnesses. Hence, he prays to dismiss this Criminal Original Petition. Hence, he prays to dismiss this Criminal Original Petition.

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



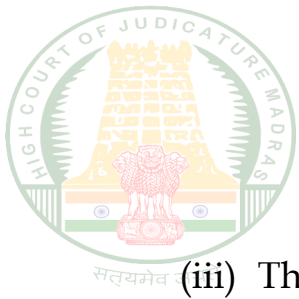
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7. Considering the facts and circumstances of the case and the nature of the offence alleged against the 1st petitioner and also considering the fact that the 1st petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that the 1st petitioner does not appear to be present at the scene of occurrence and with a view to give an opportunity to the 1st petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the 1st petitioner. Accordingly, pre-arrest bail is granted to the 1st petitioner subject to the following conditions:

(i) The 1st petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Usilampatti, Madurai District, 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) 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.



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(iii) The 1st petitioner shall appear and sign before the respondent-Police daily at 10.30 am until further orders.

(iv) The 1st petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The 1st petitioner 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.

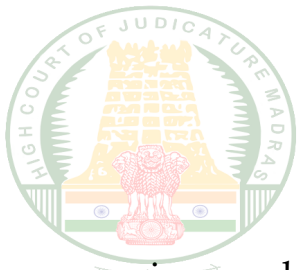
vi) The 1st petitioner shall not directly or indirectly cause any threat to the defacto complainant and tamper with evidence.

(vii) The 1st petitioner shall not leave India without the previous permission of the Court.

(viii) The 1st petitioner shall furnish their residential address and mobile number to the concerned Magistrate.

(ix) The 1st petitioner shall not directly or in-directly contact the defacto complainant or her family members. Further, The 1st petitioner shall not enter into the house of the defacto complainant or her work place.

(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 1st petitioner in accordance with law as if the aforementioned conditions



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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].

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8. In view of the endorsement made by the learned counsel appearing for the petitioners, this Criminal Original Petition is dismissed as withdrawn as against the 2nd petitioner. Accordingly, this Criminal Original Petition is allowed as for as the first petitioner is concerned subject to the conditions stated supra.

sd/-
24/02/2025

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

TO

1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI.

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

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



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

+1 CC to M/s.K.SAMIDURAI, Advocate (SR-2071[I] dated 25/02/2025)

ORDER
IN

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Date :24/02/2025

TRP

MK/SKN/SAR /07.03.2025 7P/6C

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