



CRL OP(MD). No.2163 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2163 of 2025

1.Kaviarasan

2.Nijendran

... Petitioners/ Accused Nos.1 and 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kottampatti Police Station,
Madurai District.

Crime No.19 of 2025

... Respondent/ Complainant

For Petitioners : Mr.M.Jerin Mathew

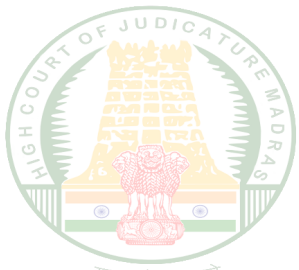
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.19 of 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 :-

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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 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 126 (2), 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.19 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to previous motive, on 27.01.2025, at about 08.00 p.m., the petitioners waylaid the defacto complainant and attacked him. The first petitioner kicked him with legs and the second petitioner beat his head with iron rod and caused injury. Hence, the case.

4. Mr.M.Jerin Mathew, learned counsel appearing for the petitioners submits that the petitioners were arrayed as accused falsely. The petitioners did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioners.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant was admitted in the hospital on 27.01.2025 and discharged on 04.02.2025. The defacto complainant sustained injuries on head and hand. The petitioners have no previous case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. It appears that the petitioners and the defacto complainant have prior motive. Due to animosity between the petitioners and the defacto complainant, on 27.01.2025, the petitioners waylaid the defacto complainant, abused him, attacked him and caused head injury to him using sickle and also an injury on right hand. The defacto complainant was admitted in the hospital on 27.01.2025 and discharged on 04.02.2025. It is stated that the first petitioner is an M.B.A. graduate and the second petitioner is a 3rd year B.Pharm. student. The petitioners have no previous case. The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the cumulative circumstances and with a view to give one more opportunity to the petitioners to reform themselves, this



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

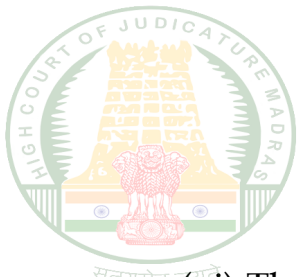
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Melur, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five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

(ii) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 09.00 a.m. and 06.00 p.m. until further orders;

(iii) The petitioners should not enter into the defacto complainant's house or workplace.

(iv) The petitioners should not either directly or indirectly cause threat to the defacto complainant or try to contact the defacto complainant either directly or through any electronic mode.

(v) 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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(vi) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Melur.

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

(viii) On breach of any of the aforementioned conditions, concerned 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 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/-
10/02/2025

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/02/2025

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

mbi

TO

1.THE JUDICIAL MAGISTRATE, MELUR,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.



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

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

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-1560[I] dated 12/02/2025)

ORDER
IN
CRL OP(MD) No.2163 of 2025
Date :10/02/2025

RK/SKN/ SAR-3 (19/02/2025) 6P / 6C

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