



CRL.OP(MD). No.2222 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2222 of 2025

1.Priya Muthu

2.Backiyam Karnan

3.Muthu

... Petitioners / Accused Nos.1 to 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Palani Taluk Police Station,
Dindigul District.
(Crime No.32 of 2025)

... Respondent / Complainant

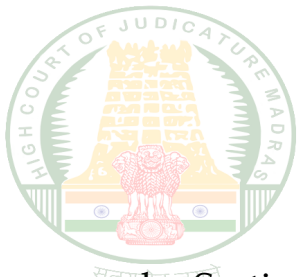
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.32 of 2025 on the file of the respondent-police.

For Petitioners : Ms.A.Charumathi, Advocate
For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 31.01.2025

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

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 115(2) and 351(2) of BNS, 2023, in Crime No.32 of 2025 on the file of the respondent police.

3. The case of the prosecution is that there was a previous civil dispute between the petitioners and the defacto complainant. On 03.01.2025, the petitioners are said to have assaulted the defacto complainant with wooden log and caused grievous injuries. The injured was admitted in the hospital on the same day. Hence, the case.

4. Ms.A.Charumathi, 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. She further submits that the petitioners and the defacto complainant are neighbours and that due to previous enmity between the parties, a false complaint has been lodged against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. She therefore prays to grant of pre-arrest bail to the petitioners.



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5. Per contra, Mr. K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally 3 accused persons in this case and the petitioners have been arrayed as Accused Nos.1 to 3. He further submits that due to the injuries caused by the petitioners, the injured was admitted to the hospital on 03.01.2025 and discharged on 11.01.2025 and again admitted on 17.01.2025 and discharged on 27.01.2025. Therefore, he contends that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and others and also tamper the witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of offence alleged against the petitioners and also considering the fact that the petitioners and the defacto complainant are neighbours and the injured was admitted to the hospital on 03.01.2025 and discharged on 11.01.2025 and thereafter, again admitted on 17.01.2025 and discharged on 27.01.2025 and taking into consideration the fact that there are no previous cases against the petitioners and that the petitioners have permanent residence and deep roots in the



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society and therefore, there is less possibility of absconding, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

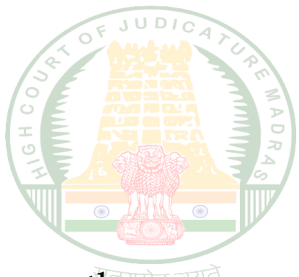
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Palani, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty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

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

(iv) The petitioners shall furnish their residential address and mobile number to

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the concerned Magistrate.

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(v) The petitioners shall not enter into the defacto-complainant's residence or his work place.

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

(vii) 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/-
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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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1.THE JUDICIAL MAGISTRATE, PALANI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.

3.THE THE INSPECTOR OF POLICE,
PALANI TALUK POLICE STATION, DINDIGUL DISTRICT.

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

ORDER

IN

CRL OP(MD) No.2222 of 2025

Date :10/02/2025

RK/SKN/ SAR- 1 (19/02/2025) 6P / 5C

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