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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2358 of 2025

1. Ramasamy
2. Raja
3. Thirunavukkarasu
4. Sembulingam
5. Periyakaruppan

... Petitioners/ Accused Nos.2, 3, 5, 12 and 18

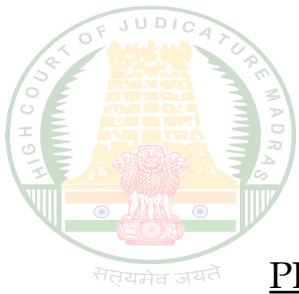
Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
Cr No.09/2025

... Respondent/Complainant

For Petitioners : Mr.A.Aruljenifer
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :-

C-33AB For Anticipatory Bail in Crime No.09/2025 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 04.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / Accused Nos.2, 3, 5, 12 and 18 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 126 (2), 115(2), 118(1) and 351(3) of BNS, r/w. Section 4 of TNPHW Act, in Crime No.09 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a dispute between the parties with regard to the conducting of a ceremony of a temple situated at Vallambakadu Village, The Revenue Divisional Officer has been conducting meetings to resolve the issue. In this regard, a Writ Petition was also filed before this Court. By which time, the ceremony commenced on 15.01.2025, during the temple festival, the petitioners herein and other accused persons said to have abused the defacto complainant and others in filthy language and attacked them with wooden log and caused injuries to three persons and also threatened them with dire consequences. Hence, the



complaint.

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4. Mr.A.Arul Jenifer, 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. He further submits that due to the civil dispute, the petitioners have been falsely implicated in this case. He further submits that the co-accused have already been granted pre-arrest bail by this Court in CrI.O.P(MD).No.1675 of 2025. He further submits that the petitioners are willing to abide by any conditions imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a wordy quarrel between the petitioners and the defacto complainant, and the defacto complainant has sustained only simple injury and discharged from the hospital. However, he vehemently opposes to grant pre-arrest bail to the petitioners.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and considering the nature of offence and that the defacto complainant has sustained only simple injury and discharged from the hospital and also considering the fact that the co-



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accused have already been granted pre-arrest bail by this Court, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

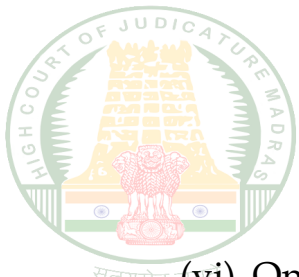
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Aranthangi within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees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

(ii) Thereafter, the petitioners shall appear and sign before the respondent-police as and when required for interrogation.

(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 concerned Magistrate.

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



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(vi) 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/-
06/02/2025

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/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE,
ARANTHANGI.

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

3 THE INSPECTOR OF POLICE,
NAGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.2358 of 2025
Date :06/02/2025

NBF / SKN /SAR- (24/02/2025) 6P/5C

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