



CRL OP(MD). No.2341 of 2025

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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

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1. Periyasamy

2. Pannerselvam @ Periyasamy

3. Ponnusamy @ Thangavel

4. Gnanajothi

... Petitioners/ Accused Nos.1 to 3 and 5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Ediyakottai Police Station,
Dindigul District.
(Crime No.18/2025)

... Respondent/ Complainant

For Petitioners : Mr.S. Sadeskumar Advocate.

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.18/2025 on the file of the respondent Police.



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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 apprehended arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 127(2), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.18 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to pathway dispute on 25.01.2025 at about 5.30 pm, the accused persons including the petitioners herein are said to have attacked the defacto complainant with deadly weapons and abused him in filthy language and also threatened with dire consequences. Hence, the complaint.

4. Mr.S.Sadeeskumar, 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 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.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a



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pathway dispute between the petitioners and the defacto complainant and the petitioners herein attacked the defacto complainant and now, the injured was discharged from the hospital. However, he vehemently opposed 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 nature of dispute between the petitioners and the defacto complainant and the nature of injury allegedly caused by the petitioners to the defacto complainant and also considering the fact that the injured was discharged from the hospital, 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 events of their arrest or in the event of their surrender before the learned Judicial Magistrate, Oddanchathiram, Dindigul District 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 Five Thousand only) to the satisfaction of the said Magistrate.



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(ii) Thereafter, the petitioners 1 to 3 shall appear and sign before the respondent police twice a week i.e., on every Monday and Friday at 10.30 a.m. until further orders; .

iii) Since the 4th petitioner is a lady, she shall appear 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;

(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].



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

TRP

To

1.The Judicial Magistrate,
Oddanchathiram, Dindigul District.

2.Do through the Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Ediyakottai Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SADESKUMAR, Advocate (SR-1438[I] dated 06/02/2025)

ORDER
IN
CRL OP(MD) No.2341 of 2025
Date :06/02/2025



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ED/ SKN /SAR- 2 (19/02/2025) 6P / 6C

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