



CRL OP(MD). No.2348 of 2025

WEB COPY

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.2348 of 2025

Viswan

... Petitioner/ Accused Rank not known

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Ammapettai Police Station,
Thanjavur District.
Crime No. 941/2024

... Respondent/Complainant

For Petitioner : Mr.R.L.Dhilipan Pandian, 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. 941 of 2024 on the file of the Respondent Police

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL OP(MD). No.2348 of 2025

WEB COPY

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 333, 118(1), 351(3) and 109 of BNS r/w. 4 of TNPWH Act, in Crime No.941 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that due to previous motive, on 11.12.2024, the petitioner herein made a quarrel with the defacto complainant and abused in filthy language and attacked the defacto complainant's wife with sickle causing head injury and also threatened the defacto complainant with dire consequences. Hence, the complaint.

4. Mr.R.L.Dhilipan Pandian, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. He further submits that it is a case in counter and the injured was discharged from the hospital. Hence, he prayed to grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that it is a case in counter and the injured was discharged from the hospital and there is no previous case pending against the petitioner. However, he vehemently opposed to grant anticipatory bail to the petitioner.

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



CRL OP(MD). No.2348 of 2025

WEB COPY

7. Considering the nature of the dispute between the petitioner and the defacto complainant and the nature of the injury allegedly caused by the petitioner to the defacto complainant's wife and also considering the fact that it is a 'case in counter' and the petitioner has permanent residence and has deep roots in the society and therefore, there is less possibility of absconding, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The 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, Papanasam, Thanjavur 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) 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, Papanasam, Thanjavur District.

(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 petitioner shall appear before the respondent police daily at



CRL OP(MD). No.2348 of 2025

10.30 am until further orders;

WEB COPY

(iv) The petitioner should not enter into the defacto complainant's house or his work place.

(v) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(vi) The petitioner 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/-
06/02/2025

/ TRUE COPY /

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

TRP

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.2348 of 2025

TO

WEB COPY

1 THE JUDICIAL MAGISTRATE, PAPANASAM, THANJAVUR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, AMMAPETTAI POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.2348 of 2025

Date :06/02/2025

RS/SKN/SAR-(18.02.2025) 5P 5C

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