



CRL OP(MD). No.2353 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

CRL OP(MD). No.2353 of 2025

Arjun

... Petitioner/ Accused
rank not known

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No. 14 of 2025..

... Respondent/ Complainant

For Petitioner : Ms.C.R.Ponnuthai
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.Crime No.14 of 2025 on the file of the
Respondent Police



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ORDER : The Court made the following order :-

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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.

2. The petitioner apprehendeds arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 118(1), 351(3) of BNS, 2023 in Crime No.14 of 2025 on the file of the respondent police.

3. The case of the prosecution is that due to previous motive, the petitioner herein is said to have attacked the defacto complainant with knife and abused him in filthy language and also threatened with dire consequences. Hence, the complaint.

4. Ms.C.R.Ponnuthai, 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 no one has sustained injury in the said incident. Hence, he prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner herein has assaulted the defacto complainant with knife, but, no one has sustained injury. However, he vehemently opposed to grant pre-arrest bail to the petitioner.

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

7. Considering the nature of the dispute between the petitioner and the defacto complainant and also considering the fact that no one has sustained injury in the said occurrence and considering the fact that 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 No.II, Madurai, 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 said Magistrate.



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(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 10.30 am until further orders;

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

TRP

TO

1. The Judicial Magistrate No.II, Madurai,
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Silaiman Police Station,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.E.R.J.MUTHULAKSHMI, Advocate (SR-1519[I] dated 10/02/2025)

ORDER
IN
CRL OP(MD) No.2353 of 2025
Date :06/02/2025

RK/SKN (13/02/2025) 5P / 6C

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