



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.2362 of 2025

Lakshmanan

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Murappanadu Police Station,
Thoothukudi District.
Crime No.47/2025

... Respondent/ Complainant

For Petitioner : Mr.Jai Surya Prakash.S,
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.47/2025 on the file of the respondent Police.



ORDER: The Court made the following order :-

WEB COPY

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 apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b) and 118(1) of BNS in Crime No.47 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to land dispute, on 31.01.2025, the petitioner herein made a quarrel with the defacto complainant and abused him in filthy language and also attacked the defacto complainant with hands causing injury and also threatened the defacto complainant with dire consequences. Hence, the complaint.

4. Mr.S.Jai Surya Prakaash, 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 prays for grant of pre-arrest bail to the petitioner.

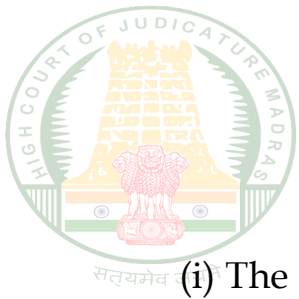


WEB COPY

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 opposes 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 the nature of the injury allegedly caused by the petitioner to the defacto complainant and also considering the fact that it is a 'case in counter' and the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding and with a view to given an opportunity to the petitioner to reform himself, 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:



WEB COPY

(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 I, Srivaikundam 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 I, Srivaikundam.

(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 weekly twice i.e., on every Monday and Friday 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.

WEB COPY

(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].

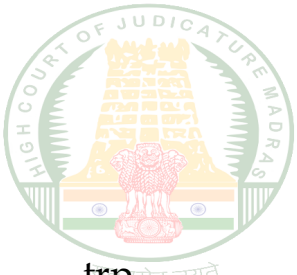
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

Sd/-
06/02/2025

(* Amended as per order of the court
dt. 07/03/2025 in CRL MP(MD)
No.3036 of 2025 in CRL OP(MD)
No.2362 of 2025 by RSVJ)

/ TRUE COPY /

/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



WEB COPY

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 06/02/2025 ALREADY
DESPATCHED 25/02/2025

- 1 THE JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 2 THE JUDICIAL MAGISTRATE I,
SRIVAIKUNDAM.
- 3 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
MURAPPANADU POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.2362 of 2025

Date :06/02/2025

ES/SKN/SAR -3/20.02.2025/6P/6C

NBF/SKN/SAR/21/03/2025/6P/6C

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