



CRL.OP(MD). No.2501 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2501 of 2025

M.Manikandan

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Anna Nagar Police Station,
Madurai City.
(Crime No.783 of 2024)

... Respondent / Complainant

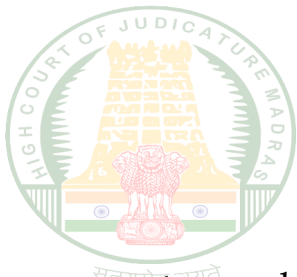
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.783 of 2024 on the file of the respondent-police.

For Petitioner : Mr.T.Thirumurugan, Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



CRL.OP(MD). No.2501 of 2025

grant an order of pre-arrest bail.

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2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent-police for the offence punishable under Sections 126(2), 118(1) and 115(2) of BNS, in Crime No.783 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 04.12.2024, at 12.45 pm while the defacto complainant along with his friend was riding in a Two-wheeler, the petitioner along with the other accused person, intercepted and the petitioner attacked the defacto complainant with iron rod and other accused also attacked the defacto complainant with wooden log, causing head injuries, while blocking the attack on the petitioner by his friend, the accused persons also attacked the friend. Hence, the case.

4. Mr.T.Thirumurugan, 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 he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court.

He therefore prays for grant of pre-arrest bail to the petitioner.



CRL.OP(MD). No.2501 of 2025

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the co-accused person has already been granted pre-arrest bail by this Court in Crl.O.P(MD).No.21725 of 2024, vide order dated 12.12.2024 and the investigation of the case is pending. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and also taking note of the fact that the co-accused persons has already been granted pre-arrest bail by this Court and hence, with a view to give an opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail 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



CRL.OP(MD). No.2501 of 2025

in the event of his surrender before the learned Judicial Magistrate No.VI, Madurai,
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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.

(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) The petitioner shall appear and sign before the respondent-police, on every
Friday daily at 10.30 am, for a period of four weeks and thereafter, as and when
required for interrogation.

(iv) The petitioner shall make himself available for interrogation by a police
officer as and when required.

(v) The petitioner shall not, directly or indirectly, make any inducement, threat
or promise to any person acquainted with the facts of the case so as to dissuade him
from disclosing such facts to the Court or to any police officer.



CRL.OP(MD). No.2501 of 2025

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(vi) The petitioner shall not leave India without the previous permission of the Court.

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

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

(ix) The petitioner shall not directly or indirectly cause threat to the defacto complainant and tamper with the evidence.

(x) 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].



CRL.OP(MD). No.2501 of 2025

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

sd/-
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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.VI, MADURAI,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION,
MADURAI CITY.

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

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-1773[I] dated 18/02/2025)

ORDER
IN

CRL OP(MD) No.2501 of 2025
Date :17/02/2025



CRL.OP(MD). No.2501 of 2025

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RK/SKN (26/02/2025) 7P / 6C

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