



CRL.OP(MD). No.2435 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2435 of 2025

Antony Premkumar ... Petitioner / Accused Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Palakarai Police Station,
Trichy City.
(Crime No.7 of 2025)

... 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.7 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.J.Ebenezer Charles, Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



CRL.OP(MD). No.2435 of 2025

grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 318(4) of BNS and Section 5 and 7 (3) of the Lotteries (Regulation) Act, 1998, in Crime No.7 of 2025 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant was regularly buying lottery tickets from the petitioner and two other accused persons. On 03.01.2025, the defacto complainant came to know through his friend that he won an amount of Rs.8,000/- in the lottery ticket. Therefore, on 04.01.2025, he approached the accused persons while they were selling lottery tickets for his prize money. However, instead of giving the money, they attacked the defacto complainant with hand and kicked on his chest and also abused him in filthy language and threatened with dire consequences. Thereafter, the defacto complainant was admitted in the hospital on 04.01.2025. Hence, the complaint.

4. Mr.T.J.Ebenezer Charles, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged

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CRL.OP(MD). No.2435 of 2025

by the prosecution. He further submits that the petitioner has been falsely implicated in this case and that he is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order 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 the petitioner has been arrayed as Accused No.4 in this case. He further states that the injured was admitted in the hospital on 04.01.2025 and was discharged on the same day. He further submits that there is one previous case against the petitioner. Therefore, he contends that, if the petitioner is released on pre-arrest bail, he may cause threat to the defacto complainant and the witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the nature of the offence alleged against the petitioner and the nature of the injury allegedly caused by the accused person to the defacto complainant and also considering the fact that the injured was admitted in the hospital on 04.01.2025 and was discharged on the same day, this



CRL.OP(MD). No.2435 of 2025

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.V, Trichy, 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 No.V, Trichy.

(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 and sign before the respondent-police on every Monday and Friday at 10.30 a.m. until further orders.

(iv) The petitioner shall furnish his residential address and mobile number to

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CRL.OP(MD). No.2435 of 2025

the concerned Magistrate.

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(v) The petitioner 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].

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.

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CRL.OP(MD). No.2435 of 2025

TO

1.THE JUDICIAL MAGISTRATE NO.V, TRICHY,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3.THE INSPECTOR OF POLICE,
PALAKARAI POLICE STATION, TRICHY CITY.

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

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-1495[I] dated 07/02/2025)

ORDER

IN

CRL OP(MD) No.2435 of 2025

Date :07/02/2025

RK/SKN/ SAR-4 (19/02/2025) 6P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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