



CRL OP(MD). No.2427 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2427 of 2025

R. Rajkumar,
S/o. Ramasamy,
6-41, Tvk Street,
Kombai, Theni District.

... Petitioner/ A2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kombai Police Station,
Theni District.
(Crime No.5 of 2025).

... Respondent

For Petitioner : Ms.B.Bhuvaneshvari
for M/s.Ganesan Legist Law Firm,

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Cr1.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-
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For Anticipatory bail in Crime No.5 of 2025 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 05.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita praying to grant an order of pre-arrest bail.

2. The petitioner/A2 apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 296(b) and 109 of BNS Act 2023 in Crime No.5 of 2025 on the file of the respondent-police.

3. The case of prosecution is that the petitioner's son insulted the defacto complainant's son in an abusive manner on 01.01.2025 evening while he was seeing the cell phone. On the same day at about 08.00 pm., the defacto complainant and his wife went to the petitioner's house for questioning the same, at that time, the petitioner and his son assaulted the defacto complainant and his son with Aruval and wooden log and thereby, the defacto complainant got injury on his head and his son also got injury on his head while he tried to stop the attack. Hence, the case.



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4. Ms.B.Bhuvaneshvari, learned counsel appearing for petitioner submits that the petitioner has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, she prays to grant anticipatory bail to the petitioner.

5. Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for respondent-police submits that in this case the petitioner and the defacto complainant are residing in the same locality and well-known persons. In the incident, two persons got injury and they were admitted in the hospital on 03.01.2025 and discharged on 07.01.2025 and it is a case in counter. He further submits that the petitioner has no previous case. However, he vehemently opposes to grant anticipatory bail to the petitioner.

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

7. Considering the nature of offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case.

Considering the fact that the petitioner has permanent residents and deep roots in the



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society and therefore, there is less possibility of absconding and considering the age of the petitioner and also he is the first offender and with a view to give one more 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Bodinayakanur, within a period of 15 days from the date on which this 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, Bodinayakanur;

(ii) The petitioner shall appear and sign before the respondent Police daily at 10.00 a.m, until further orders;

(iii) The petitioner shall not enter into the defacto complainant's resident or her workplace;

(iv) 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

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



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Practice, 2019]. The learned Judicial Magistrate shall obtain a copy of any one of
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identity proofs to ensure their identity;

(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 Magistrate 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/-
07/02/2025

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/02/2025

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

TO

1.THE JUDICIAL MAGISTRATE, BODINAYAKANUR

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI.



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3.THE INSPECTOR OF POLICE,
KOMBALAI POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2427 of 2025
Date :07/02/2025

RK/SKN/ SAR- 3 (19/02/2025) 6P / 5C
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