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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2489 of 2025

R.Akash

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.60 of 2025

... Respondent/Complainant

For Petitioner : Mr.V.Baskaran, 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.60 of 2025 on the file of the respondent-police.



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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 Bharatiya Nagarik Suraksha Sanhita (BNSS) 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), 118(1), 151(2) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.60 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a close relative and schoolmate of the petitioner. When the defacto complainant came to the locality of the petitioner, there was a wordy quarrel between the defacto complainant and the petitioner, during which, the petitioner and another accused assaulted the defacto complainant. The petitioner also attacked the defacto complainant with key, owing to which, the defacto complainant sustained injury. Hence, the case.



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4. Mr.V.Baskaran, learned counsel appearing for the petitioner submits that the petitioner was arrayed as an accused falsely. The petitioner did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant was admitted in the hospital on 29.01.2025 and discharged on 01.02.2025. The petitioner and other accused jointly attacked the defacto complainant in the stomach and chest. The petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. The defacto complainant was admitted in the hospital on 29.01.2025 and discharged on 01.02.2025. The petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the cumulative circumstances, this Court is of the view that custodial interrogation of the



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petitioner may not be necessary in this case. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

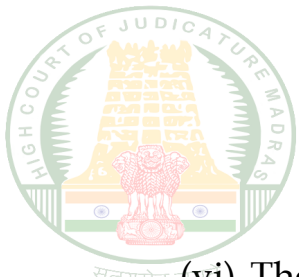
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned (*) Judicial Magistrate, Kuzhithurai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty 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, Kuzhithurai

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

(iii) The petitioner should not enter into the defacto complainant's house or workplace;

(iv) The petitioner should not either directly or indirectly cause threat to the defacto complainant or try to contact the defacto complainant either directly or through any electronic mode.

(v) 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;



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(vi) The petitioner shall furnish his residential address and mobile number to the learned (*) Judicial Magistrate, Kuzhithurai

(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(viii) On breach of any of the aforementioned conditions, concerned 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 them 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/-
10/02/2025

(*)CORRECTED AS PER ORDER OF THIS
COURT DATED 18.03.2025 IN CRL MP
(MD)No.3565 OF 2025 IN CRL OP(MD)
NO.2489 OF 2025

/ TRUE COPY /

/04/2025

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



TO
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TO BE SUBSTITUTED WITH THE ORDER DATED 10/02/2025 ALREADY DESPATCHED

- 1 THE JUDICIAL MAGISTRATE
MARTHANDAM, KANYAKUMARI DISTRICT.
 2. THE JUDICIAL MAGISTRATE, KUZHITHURAI
 - 3 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
 - 4 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.V.BASKARAN, Advocate (SR-1621[I] dated 13/02/2025)

ORDER
IN
CRL OP(MD) No.2489 of 2025
Date :10/02/2025

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

RK/SKN/ 01.04.2025 7C

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