



CRL.OP(MD). No.2530 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2530 of 2025

Maharaja

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Virudhunagar Bazaar Police Station,
Virudhunagar.
(Crime No.34 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.34 of 2025 on the file of the respondent police.

For Petitioner : Mr.J.Mohamed Ibrahim, Advocate

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



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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 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 191(2), 296(b), 115(2), 118(1) and 351(2) of BNS, in Crime No.34 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a previous dispute between the Accused No.4 and the defacto complainant. Both are the school going students. On 29.01.2025, when the defacto complainant was standing in the Bazaar, the Accused Nos.1 to 6 along with three others came near the defacto complainant, abused him in filthy language and assaulted him causing injuries. Thereafter, the defacto complainant was admitted in the hospital. Hence, the case.

4. Mr.J.Mohamed Ibrahim, 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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by the prosecution. He further submits that the petitioner is a student and he has been falsely implicated in this case. He, however, submits 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 there are totally 9 accused persons in this case and the petitioner has been arrayed as Accused No.9. He further states that the injured was admitted in the hospital on 29.01.2025 and discharged on 02.02.2025. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of the offence alleged against the petitioner and the nature of the injury allegedly caused by the accused persons to the defacto complainant and also considering the fact that the injured was admitted to the hospital on 29.01.2025 and discharged on 02.02.2025 and the petitioner is a student,



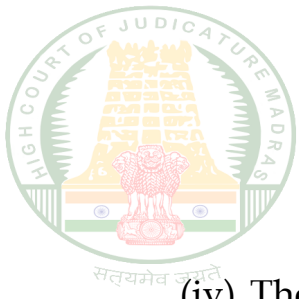
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this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(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.I, Virudhunagar, 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.I, Virudhunagar.

(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 daily at 10.00 a.m. until further orders.



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

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

(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/-
10/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.I
VIRUDHUNAGAR.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 ITS THE INSPECTOR OF POLICE,
VIRUDHUNAGAR BAZAAR POLICE STATION,
VIRUDHUNAGAR,
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.J.MOHAMED IBRAHIM, Advocate (SR-1550[I] dated 10/02/2025)

ORDER
IN
CRL OP(MD) No.2530 of 2025
Date :10/02/2025

SS/SKN/SAR- /20/02/2025/ 6P/6C

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