



CRL.OP(MD). No.2520 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.2520 of 2025

Muniyandi

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Crime No.38 of 2025)

... Respondent / Complainant

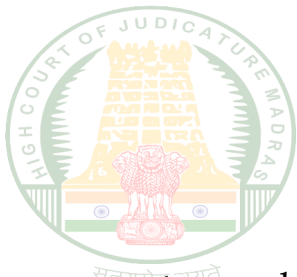
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.38 of 2025 on the file of the respondent-police.

For Petitioner : Mr.S.Pandiyaraj, 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 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

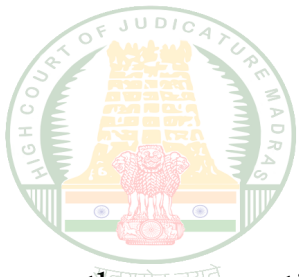
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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 303(2) and 351(2) of BNS, 2023, in Crime No.38 of 2025 on the file of the respondent police.

3. The case of the prosecution is that, on 01.02.2025, at about 5:45 p.m., the defacto complainant was returning to his house on his two-wheeler after purchasing groceries from a shop. While he was waiting near a railway gate for the train to pass, as the gate was closed, the petitioner, who was riding behind on a two-wheeler bearing Registration No.TN-58-BV-9238 and was in an intoxicated state, came near the defacto complainant. The petitioner then abused the defacto complainant in filthy language, stating that even though he honked, the defacto complainant did not give way. The petitioner also attacked the defacto complainant, during which the defacto complainant's chain, weighing 5 sovereigns, fell down and went missing. Hence, the complaint.

4. Mr.S.Pandiyaraj, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by

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



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the prosecution. However, he submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays to grant 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 two previous cases against the petitioner. Therefore, he contends that, if the petitioner is released on pre-arrest bail, he will cause any 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 offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case and that the petitioner has permanent residence and deep roots in the society and hence, there is less possibility for absconding 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.



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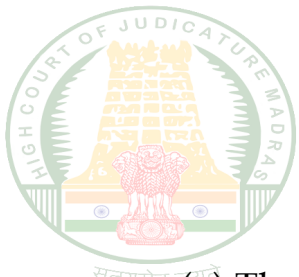
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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Thirumangalam, Madurai District, within a period of 15 days from date on which the order copy 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, Thirumangalam, Madurai District.

(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.

(iv) The petitioner shall furnish his residential address and mobile number to 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 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 (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE, THIRUMANGALAM, MADURAI DISTRICT



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2520 of 2025
Date :10/02/2025

RK/SKN (21/02/2025) 6P / 5C

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