



CRL OP(MD). No.3159 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Suresh
2.Lakshmi
3.Velmurugan
4.Jeya Raj

... Petitioners/ Accused Nos.1 to 4

Vs

The Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.57 of 2024

... Respondent/De-facto Complainant

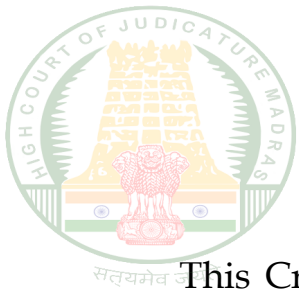
For Petitioners : Mr.M.Ramachandran
For Respondent : Mr.K.Sanjai Gandhi, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.57 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-



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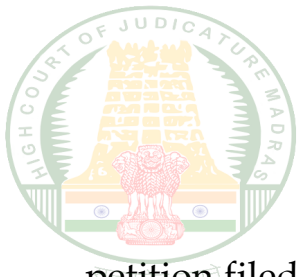
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This Criminal Original Petition has been filed by the petitioners on 18.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 294(b), 323, 324 and 506(1) of Indian Penal Code, 1860 in Crime No.57 of 2024 on the file of the respondent-police.

3. This is the second pre-arrest bail application of the petitioners. The first pre-arrest application filed by the petitioners in CrI.O.P.(MD)No.4298 of 2024 was allowed by this Court on 18.03.2024 subject to certain conditions. One of the conditions was that the petitioners shall surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of that order. Since, the petitioners failed to surrender as ordered by this Court before the concerned Court, that order granting pre-arrest bail to the petitioner stood automatically cancelled. Therefore, the present petition is filed seeking pre-arrest bail for the second time.

4. Mr.M.Ramachandran, learned counsel appearing for the petitioners, submits that the petitioners are all poor and daily wage workers and therefore, they were not able to execute surety as per the pre-arrest bail order made in CrI.O.P.(MD)No.4298 of 2024 dated 18.03.2024. He further submits that both the petitions filed by the petitioners for extension of time granted in the first pre-arrest bail order, and the



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petition filed for modification of the said pre-arrest bail order were dismissed by this Court. He further submits that therefore, the petitioners have come up with this second pre-arrest bail petition. He further submits that since the petitioners were earlier granted pre-arrest bail by this Court and considering the fact that the condition in the said pre-arrest bail order could not be complied with by the petitioners due to their inability, this Court may grant pre-arrest bail to the petitioners for the second time.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that earlier though this Court granted pre-arrest bail to the petitioners, the petitioners failed to comply with the conditions imposed therein. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that this Court had earlier granted pre-arrest bail to the petitioners and the petitioners failed to comply with conditions due to their inability and with a view to give one more opportunity to the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned (*)Judicial Magistrate No.II,



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Virudhunagar, 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.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned (*)Judicial Magistrate No.II, Virudhunagar

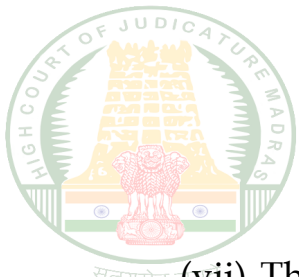
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the learned (*)Judicial Magistrate No.II, Virudhunagar on all working days at 10.30 a.m. until further orders;



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(vii) The petitioners shall furnish their residential address and mobile number to the learned (*)Judicial Magistrate No.II, Virudhunagar;

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

(ix) 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 petitioners 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/-
20/02/2025

(*)Substituted as per order of this
Hon'ble Court in CRL OP(MD).
3159/2025 Dated 07/03/2025

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/03/2025

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

mbi

TO

1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, AMATHUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.3159 of 2025

Date :20/02/2025

RS/SKN/SAR-(18.03.2025) 6P 5C
Madurai Bench of Madras High Court is issuing
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