



CRL OP(MD). No.2618 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. Preamnath,
S/o. Prasad,
No. 7/79D, Mottavilai,
Karankadu and Post,
Kanyakumari District.

2. Abilash,
S/o. Ramesh,
No. 7/81C, Mottavilai,
Karankadu and Post,
Kanyakumari District.

... Petitioners/ Accused Rank not known

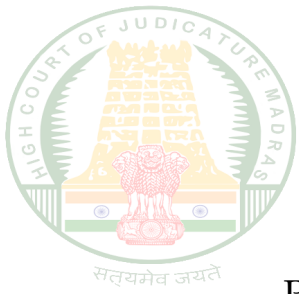
Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
Crime No. 84/ 2025.

... Respondent/ Complainant

For Petitioners : Mr.R.Russel Raj,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :-

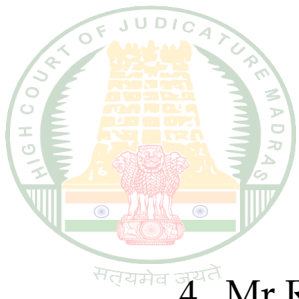
For Anticipatory bail in Crime No. 84 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 07.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 296(b), 127(2), 118(1) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.84 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 04.02.2025 at about 07.30 p.m., due to previous enmity between the parties, the petitioners abused the defacto complainant in filthy language, attacked him with iron rod causing injury on the left hand and threatened him with dire consequences. Hence, the case.



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4. Mr.R.Russel Raj, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are 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 petitioners.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that the injured was admitted in the hospital on 04.02.2025 and discharged on 14.02.2025. He further submits that Accused Nos.1 and 2 were arrested and remanded to judicial custody and based on the confession of the co-accused persons, these petitioners have been arrayed as accused in this case. He further submits that the petitioners herein caught hold of the hands of the defacto complainant and Accused Nos.1 and 2 attacked the defacto complainant with iron rod. Therefore, he prays to dismiss this Criminal Original Petition.

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



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7. Considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that there are no previous cases against the petitioners and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Eraniel, Kanyakumari 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) each 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, Eraniel, Kanyakumari 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;



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(iii) The petitioners shall appear and sign before the respondent-police weekly daily at 10.00 a.m., and 05.00 p.m., until further orders.

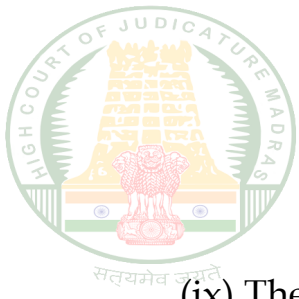
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) 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.

(vi) The petitioners shall not leave India without the previous permission of the Court.

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Eraniel, Kanyakumari District.

(viii) The petitioners shall not enter into the defacto complainant's house or his work place.



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(ix) The petitioner shall also not cause threat to the defacto complainant and the witnesses and tamper with the evidence.

(x) 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 petitioners 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/-
20/02/2025

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/03/2025

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

TSG

TO

1 THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.



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3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.2618 of 2025
Date :20/02/2025

SS/SKN/SAR- /04/03/2025/ 7P/5C

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