



CRL.OP(MD). No.2703 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2703 of 2025

1. Guhan
2.Pandiyan
3.Thenmozhi
4.K.Veluchamy

... Petitioner / Accused Nos.1 to 4

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.36 of 2025)

... Respondent / Complainant

N.Thangarasu

... Petitioner/Intervener/Defacto Complainant
in CRL MP(MD)No.1950 of 2025
in CRL OP(MD)No.2703 of 2025

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.36 of 2025 on the file of the respondent-police.

For Petitioners :	Mr.A.S. Vaigunth
For Respondent :	Mr.K.Sanjai Gandhi, Government Advocate (Criminal Side)
For intervenor :	Mr. B. Durai pandi



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 10.02.2025 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), 126(2), 115(2), 118(1), 133, 351(2) of BNS in Crime No.36 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a land dispute between the defacto complainant and the accused persons. The defacto complainant already lodged a complaint with the respondent-police in CSR.No.959 of 2024, which was later closed by compromise. Due to the vengeance, the third accused waylaid the defacto complainant and attacked him, causing simple injuries. The defacto complainant went to the hospital for taking treatment, while at 11.00 am the accused persons came and abused him in a filthy language, attacked him and slapped with chappal and kicked on his chest and broke his teeth, causing blood injuries. Hence, the case.



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4. Mr.A.S.Vaigunth, 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.K.Sanjai Gandhi, 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 07.02.2025 and discharged on 11.02.2025 due to intuition injury. However, he prays to dismiss this Criminal Original Petition.

6. Mr. B. Duraipandi, the learned counsel for the intervenor submits that the petitioners attacked the defacto complainant heavily and if they are granted pre-arrest bail, they will cause threat to life of the defacto complainant. Hence, he opposes to grant pre-arrest bail to the petitioners.



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

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8. 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, Paramakudi, Ramanathapuram 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.10,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the said Magistrate.

(ii) The sureties shall affix their photographs and left thumb impression in the



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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 appear and sign before the respondent-police daily at 5.00 pm 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 directly or in directly cause any threat to the defacto complainant and tamper with the evidence.

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



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(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

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

(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]*.

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
18/02/2025

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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
PARAMAKUDI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.2703 of 2025

Date :18/02/2025

SS/SKN/SAR- /28/02/2025/ 7P/5C

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