

CRL.OP(MD). No.2720 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2720 of 2025

Mohammed Sadam

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
(Crime No.457 of 2024)

... 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.457 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Venkatesan, Advocate

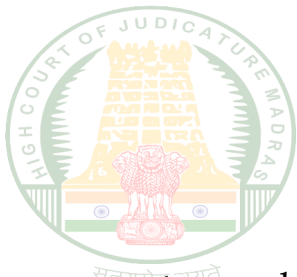
For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

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



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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 offence punishable under Sections 296(b), 115(2), 351(2) of BNS, 2023, in Crime No.457 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 28.08.2024, due to family dispute, the petitioner along with other accused persons, abused the defacto complainant in filthy language, attacked him and threatened with dire consequence. Hence, the case.

4. Mr.R.Venkatesan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for 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 totally 4 accused persons in this case and the petitioner has been arrayed as Accused No.2. He further



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submits that investigation has been completed and charge sheet is made ready. He further submits that Accused Nos.1, 3 and 4 were arrested and released on station bail. He contends that, if the petitioner is granted pre-arrest bail, he may 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. In view of the offences alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail 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.II, Ramanathapuram, within a period of 15 days from



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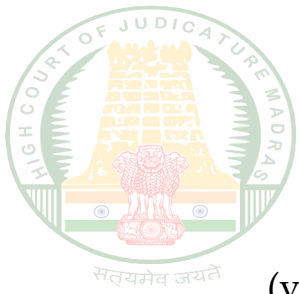
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date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Ramanathapuram.

(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 petitioner shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders.

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



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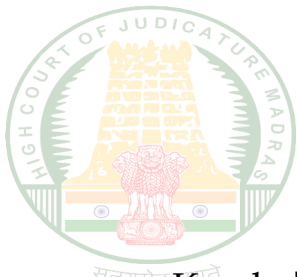
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

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

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

(ix) 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



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Kerala [(2005) 13 SCC 283].

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

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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 NO.II,
RAMANATHAPURAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3.THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.R.VENKATESAN, Advocate (SR-1607[I] dated 13/02/2025)



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ORDER
IN
CRL OP(MD) No.2720 of 2025
Date :13/02/2025

RK/SKN (26/02/2025) 7P / 6C

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