



CRL OP(MD). No.2714 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 13.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Ariharan
2.Sarathbabu

... Petitioners/ Accused Nos.1 & 3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.15 of 2025)

... Respondent/Complainant

For Petitioners : Mr.K.M.Karunakaran, Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.15 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 10.02.2025



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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 115(2), 118(1), 296(b), 324(2), 351(3) and 74 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.15 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to a previous dispute between the parties, on 14.01.2025, A4, under the influence of alcohol, caused injuries to the brother of the defacto complainant and his friend, Alwin. Subsequently, on the same day, A2 and the petitioners herein, also under the influence of alcohol, criminally trespassed into the defacto complainant's house, abused the defacto complainant in filthy language, and caused damage to the window glasses and the two-wheeler parked in front of the house with wooden log. The accused persons also attacked the defacto complainant and her brother and sister and also the said Alwin, the friend of her brother with wooden log, causing injuries. All the accused persons attempted to enter the defacto complainant's house. When this was prevented by the defacto complainant's sister, the second petitioner (A3) pulled her tuft, pushed her down, kicked her abdomen, and also pulled her nighty. On hearing her alarm, the neighbours came to the scene. On seeing them, the accused persons fled from the



place. Hence, the case.

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4. Mr.K.M.Karunakaran, learned counsel appearing for the petitioners submits that the petitioners were arrayed as accused falsely. The petitioners did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the present Crime Number and Crime No.16 of 2025 are counter cases. The petitioners and the defacto complainant are residing in a same locality, and they are well-known to each other. The petitioners attacked the defacto complainant with a wooden log. Four persons were injured in this case. They were admitted in the hospital on 14.01.2025 and discharged on 16.01.2025. The petitioners have no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. In this case, four person sustained injuries. They were admitted in the hospital on 14.01.2025 and discharged on 16.01.2025. The present Crime Number and Crime No.16 of 2025 are counter cases. Considering the cumulative circumstances and considering the fact that petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding



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and also taking into account of the fact that A2 and A3, who were already arrested in this case, were granted bail by this Court, today, vide separate order passed in CrI.O.P.(MD) No.2706 of 2025 and with a view to give an opportunity to the petitioners to reform themselves, 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, Thanjavur, 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.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 No.II, Thanjavur. Among two sureties, one shall be a blood surety;

(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 petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. and 05.00 p.m. until further orders;

(iv) The petitioners shall furnish their residential address and mobile number



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to the learned Judicial Magistrate No.II, Thanjavur;

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(v) The petitioners shall not enter into the defacto complainant's house or her workplace;

(vi) The petitioners shall not try to contact the defacto complainant either directly or through any electronic mode;

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

(viii) 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/-
13/02/2025

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13/02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI



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1.The Judicial Magistrate No.II,
Thanjavur.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-1627[I] dated 13/02/2025)

ORDER
IN

CRL OP(MD) No.2714 of 2025
Date :13/02/2025

ED/ /SAR- (13/02/2025) 6P / 6C

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