



CRL OP(MD). No.2742 of 2025

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

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Karthick

2. Surya

... Petitioners/ A1 and A4

Vs

The State of Tamilnadu Rep.,
By, the Inspector of Police,
Koodakovil Police Station,
Madurai District
(Crime No. 17 of 2025)

... Respondent/Complainant

For Petitioners : Mr. Edin Brough.P.,
Advocate.

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. 17 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 12.02.2025



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

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grant an order of pre-arrest bail.

2. The petitioners / accused Nos. 1 and 4 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 351(3), 303 of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act and Section 25(1A) of Arms Act, in Crime No.17 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that on 17.01.2025, at about 18:00 hours, due to previous enmity, the petitioners, along with other accused persons, in an inebriated condition, abused the de facto complainant, who is handicapped, by mocking her disability. They also attacked her, snatched her chain, and threatened her with dire consequences. Hence, the case.

4. Mr.P.Edin Brough, 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.



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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 2nd petitioner and that there are five previous cases pending against the 1st petitioner. He further submits that the injured was discharged from the hospital and the investigation of the case is still pending. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. When this Court is not inclined to grant pre-arrest bail to the first petitioner, the learned counsel appearing for the petitioners seeks permission of this Court to withdraw this petition as not pressed insofar as the first petitioner is concerned and he has also made an endorsement to that effect, which reads as follows:

“petitioner No.1 is not pressed”.

8. Recording the same, this Criminal Original Petition is dismissed as not pressed in so far as the first petitioner alone is concerned.

9. In so far as the 2nd petitioner is concerned, the second petitioner has no previous case. He has permanent residence and deep roots in the society and

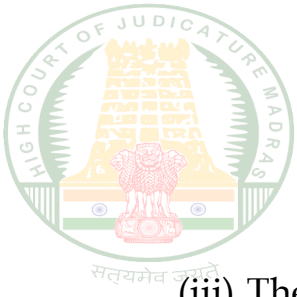


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therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence alleged against the 2nd petitioner, and also with a view to give an opportunity to the 2nd petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the 2nd petitioner. Accordingly, pre-arrest bail is granted to the 2nd petitioner subject to the following conditions:

(i) The 2nd 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, Thirumangalam, Madurai 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.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 said Magistrate.

(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 2nd petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

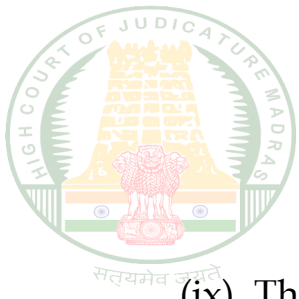
(iv) The 2nd petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The 2nd 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 2nd petitioner shall not leave India without the previous permission of the Court.

(vii) The 2nd petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(viii) The 2nd petitioner shall not enter into the defacto complainant's house or his work place.



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(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper 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 2nd 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 Kerala* [(2005) 13 SCC 283].

10. Accordingly, this Criminal Original Petition is allowed in so far as the second petitioner is concerned subject to the conditions stated *supra* and the Criminal Original Petition is dismissed insofar as the first petitioner is concerned.

sd/-
14/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II
THIRUMANGALAM, MADURAI.



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KODAKOVIL POLICE STATION,
MADURAI DISTRICT

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

+1 CC to M/s.P.EDIN BROUGH, Advocate (SR-1720[I] dated 17/02/2025)

ORDER

IN

CRL OP(MD) No.2742 of 2025

Date :14/02/2025

SS/SKN/SAR- /25/02/2025/ 7P/6C

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