



CRL OP(MD). No.2795 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2795 of 2025

1. Vijaypandi,
2. Vignesh.

... Petitioners/ Accused- Rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Theppakulam Police Station,
Madurai City.
Cr. No. 77/2025.

... Respondent/Complainant

For Petitioners : Mr.A. Thiyagarajan

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.77 of 2025 on the file of the respondent-Police.



CRL OP(MD). No.2795 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 12.02.2025 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) & 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.77 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that due to previous enmity, on 29.01.2025, at about 11:00 p.m., the petitioners and other accused attacked the defacto complainant with knife causing head injury and abused in filthy language and also threatened with dire consequences. Hence, the case.

4. Mr.A. Thiyagarajan, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that this is a case in counter



CRL OP(MD). No.2795 of 2025

WEB COPY

and the accused persons were not at the place of occurrence and the other accused persons were arrested and released on bail. He further submits that the defacto complainant was admitted in hospital on 30.01.2025 and discharged on 05.02.2025. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioners have been arrayed as Accused Nos.1 and 3, respectively. Insofar as the first petitioner/ A1 is concerned, he has eight previous cases, out of which seven cases are still pending and insofar as the second petitioner/ A3 is concerned, one previous case is pending. However, he prays to dismiss this Criminal Original Petition.

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

7. As far as the second petitioner/ A3 is concerned, considering the facts and circumstances of the case, and also considering the fact that the second petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding and taking note of the fact that the second petitioner/ A3 has one previous case and with a view to give one more opportunity to the second petitioner,



CRL OP(MD). No.2795 of 2025

this Court is inclined to grant an order of pre-arrest bail to the second petitioner/ A3

WEB COPY

subject to the following conditions:

(i) The second petitioner/ A3 shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.1, Madurai, 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) 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.1, Madurai.

(ii) Thereafter, the second petitioner/ A3 shall appear and sign before the respondent-Police daily at 10.00 a.m. and 5.00 p.m., until further orders;

(iii) 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;

(iv) The second petitioner/ A3 shall furnish his residential address and mobile number to the learned Judicial Magistrate No.1, Madurai.

(v) The second petitioner/ A3 shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Judicial



CRL OP(MD). No.2795 of 2025

Magistrate No.1, Madurai, or Trial Court as the case may be, is entitled to pass appropriate orders against the second 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].

8. Since this Court was not inclined to grant pre-arrest bail to the first petitioner/A1, considering the previous cases pending against him, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition insofar as the first petitioner/A1 is concerned. To that effect, he has made an endorsement. The scanned reproduction of the endorsement is as follows:

The first petitioner
Permit to withdraw
the petition
B. Smithy
487/13
Counsel for petitioner
14/12/25

9. In view of the endorsement made by the learned counsel for the petitioners,



CRL OP(MD). No.2795 of 2025

this petition is dismissed as not pressed insofar as the first petitioner/A1 is concerned. However, as regards the second petitioner/A3, this petition survives.

8. Accordingly, this Criminal Original Petition is allowed insofar as the second petitioner/A3 is concerned, subject to the conditions stated *supra* and this Criminal Original Petition is dismissed as not pressed insofar the first petitioner/A1 is concerned.

sd/-
14/02/2025

/ TRUE COPY /

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

APD

TO

1 THE JUDICIAL MAGISTRATE NO.1
MADURAI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION, MADURAI CITY.

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

+1 CC to M/s.A.THIYAGARAJAN, Advocate (SR-1664[I] dated 14/02/2025)



WEB COPY



CRL OP(MD). No.2795 of 2025

ORDER
IN
CRL OP(MD) No.2795 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