



CRL OP(MD). No.2810 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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V.Vijay

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Keezhavalavu Police Station,
Madurai District.
Crime No.29/2025.

... Respondent/Complainant

For Petitioner : Mr.K.Sankar

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.29/2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.02.2025



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioner/Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 118(2), 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of TN Prohibition of Harassment of Women Act in Crime No.29 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the defacto complainant are relatives. Due to the civil dispute, on 10.02.2025, at about 11:00 p.m., the defacto-complainant and two others, illegally trespassed into the petitioner's land and tried to put up fence. While the petitioner was stopping the same, both parties attacked each other and were injured. Hence, this case. A counter case has also been lodged.

4. Mr.K.Sankar, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that it is a case in counter and due to prior motive, a false case has been foisted against the petitioner. He further submits that the petitioner also sustained head injury and was admitted in Government Rajaji



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Hospital, Madurai as inpatient. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner has no previous case. He further submits that the injured sustained a cut injury in the elbow and he was admitted to the hospital on 11.02.2025 and discharged on 18.02.2025. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. The petitioner has no previous case. Considering the same and also considering the facts that the petitioner and the defacto-complainant are relatives and the injured was discharged from the hospital and with a view to give an opportunity to the petitioner 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 bail in the event of his arrest or in the



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event of his surrender before the learned Judicial Magistrate, Melur, 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, Melur, Madurai;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.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, Melur, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Melur, Madurai;

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

(vi) 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;



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(vii) The petitioner shall not leave India without previous permission of the Court;

(viii) The petitioner shall not enter into the house and the work place of the defacto complainant;

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Melur, Madurai, 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 Kerala* [(2005) 13 SCC 283].

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

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/03/2025

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

APD



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- TO
- 1 THE JUDICIAL MAGISTRATE
MELUR, MADURAI
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KEEZHAVALAVU POLICE STATION,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2810 of 2025
Date :19/02/2025

SS/SKN/SAR- /04/03/2025/ 6P/5C

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