



CRL.OP (MD) No.3063 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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|                 |                           |
|-----------------|---------------------------|
| 1.Elumalai      | ... Petitioner No.1 / A1  |
| 2.Ramayee       |                           |
| 3.Bhuvaneswaran |                           |
| 4.Subatharani   | ... Petitioner Nos.2 to 4 |
| 5.Elangovan     | ... Petitioner No.5 / A2  |
| 6.Prabakaran    | ... Petitioner No.6 / A3  |
| 7.Malarkodi     | ... Petitioner No.7       |

Vs.

The State of Tamil Nadu rep. by  
The Inspector of Police,  
Vaiyampatti Police Station,  
Trichy District.  
(Crime No.40 of 2025)

... Respondent/ Complainant

Amended as per the order of this Court dated  
27.02.2025 in Crl.M.P.(MD) No.2702 of 2025



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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  
petitioners in Crime No.40 of 2025 on the file of the respondent-police.

For Petitioners : Mr.D.S.Haroon Rasheed,  
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 17.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. After three days from the date of filing of this Criminal Original Petition, i.e., on 20.02.2025, the petitioners filed a miscellaneous petition stating that the second to fourth and seventh petitioners were not arrayed as accused in the First Information Report, and sought amendment of the cause title as well as the Crime Number and sections of offence. This Court, by an order dated 27.02.2025, allowed the said petition. In view of the above, this petition is not maintainable as far as the second to fourth and seventh petitioners are concerned. For the sake of convenience, hereinafter, the remaining petitioners shall be referred to as 'petitioners'. It is made



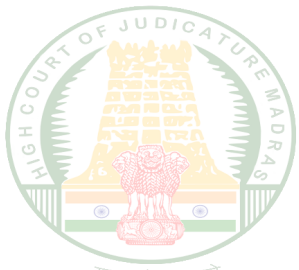
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clear that the term 'petitioners' in the following paragraphs refers only to the first, fifth, and sixth petitioners / A1 to A3.

3. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 118(2) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.40 of 2025 on the file of the respondent-police.

4. The case of the prosecution is that the defacto complainant and the petitioners are neighbours, and there was a dispute between the two families regarding the use of a cement road for walking. In this context, there is a vacant site located near their residential properties, which both parties have been using as a parking space. On 10.02.2025, at about 06:30 p.m., when the defacto complainant was returning from college, her aunt's son parked his car near a two-wheeler belonging to the petitioners. A dispute arose over the parking, leading to a wordy quarrel between them. During the said quarrel, Accused No.1 allegedly attacked the defacto complainant's aunt's son with a wooden log. While attempting to safeguard him, the defacto complainant was also attacked by the other accused persons. At that time, the family members of the defacto complainant arrived at the scene. Thereafter, a scuffle ensued between the two groups. The petitioners allegedly attacked all of them, abused them using filthy language, and threatened with dire



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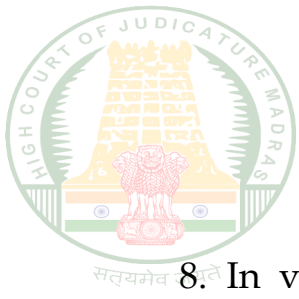
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consequences. The defacto complainant was admitted in the hospital. The respondent-police, upon receiving statement from the injured, registered the present case.

5. Mr.D.S.Haroon Rasheed, learned counsel for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioners. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

6. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to previous enmity between the parties, the accused persons abused the defacto complainant and her family members in filthy language, assaulted them and threatened them with dire consequences. He further submits that the defacto complainant was admitted in the hospital on 01.03.2025 and discharged on 09.03.2025. He however submits that, if the pre-arrest bail is granted to the petitioners, they will again cause threat to the defacto complainant and her family members. Accordingly, he prays to dismiss this Criminal Original Petition.

7. Heard on both sides and perused the records.



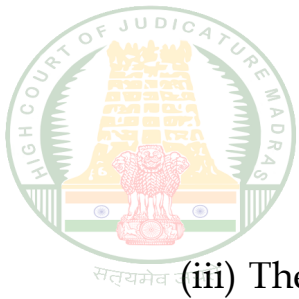
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8. In view of the offences allegedly committed by the petitioners and the nature of dispute between two parties and taking note of the fact that the injured was discharged from hospital, this Court is of the opinion that custodial interrogation of the petitioners is not necessary for the Investigating Agency in this case. Further, the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Manapparai, 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.10,000/- (Rupees Ten Thousand only) each 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, Manapparai.

(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 petitioners shall furnish their residential address and mobile number to the concerned Judicial Magistrate.

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate, Manapparai weekly thrice i.e., on every Monday, Wednesday and Friday at 10.00 a.m. until further orders.

(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) The petitioners 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.

(vii) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, her family members and witnesses and shall not tamper the evidence.

(viii) The petitioners shall not enter into the defacto complainant's house or her college.

(ix) The petitioners shall not leave India without the previous permission of the concerned Court.

(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



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against the petitioners in accordance with law as if the aforementioned conditions  
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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].

9. Accordingly, this Criminal Original Petition is allowed as far as the first,  
fifth and sixth petitioners are concerned subject to the conditions stated supra and is  
dismissed as far as the second to fourth and seventh respondents are concerned.

sd/-  
08/04/2025

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/04/2025

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

PAL

TO

1.THE JUDICIAL MAGISTRATE COURT,  
MANAPPARAI.

2.THE CHIEF JUDICIAL MAGISTRATE,  
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,  
VAIYAMPATTI POLICE STATION,  
TRICHY DISTRICT.



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

ORDER IN  
CRL OP(MD) No.3063 of 2025  
Date :08/04/2025

PR/30.04 .2025 8P/5C

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