



CRL OP(MD). No.3064 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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1. David Kovil Mani @ David Raja
2. Anis Kumar
3. Newyear Rasaiya @ Rasaiya
4. Mani
5. Manickam
6. Paul @ Paul Durai
7. Pritto
8. Kabildev @ Reegankumar
9. Alex Kumar @ Arivazhakan

... Petitioners/ Accused Nos.3 to 5, 7, 9 to 13

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No. 27/2025.

... Respondent/Complainant

For Petitioners : Mr.K.Sivabalan

for M/s.Aran Legal Consultancy,

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.27 of 2025 on the file of the respondent-

Police.

<https://www.mhc.tn.gov.in/judis>



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ORDER: The Court made the following order :-

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

2. The petitioners/Accused Nos.3 to 5, 7, 9 to 13 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 189(2), 333, 296 (b), 324(3), 115(2), 131 and 351 of the Bharatiya Nyaya Sanhita (BNS) 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.27 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 08.02.2025, when the Accused No.2, who is the Mason, went to Manickanagar for work, the defacto complainant, who is also the Mason, quarrelled with A2, questioning as to why he had come to his village for work. On the same date, at about 11:00 p.m., all the accused persons came to the defacto complainant's village, abused him in filthy language and attacked him. Hence, the case.

4. Mr.K.Sivabalan, 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 due to the work dispute, a false case has been foisted against the petitioners. Hence, he prays for grant of pre-arrest



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bail to the petitioners.

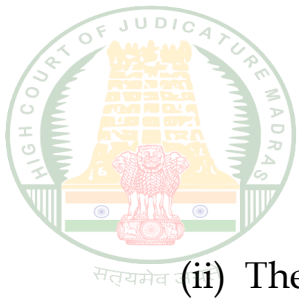
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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioners attacked the son of the defacto complainant's son also, however, no injury was sustained by him. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offence 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, Kadaladi, Ramanathapuram, 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, Kadaladi, Ramanathapuram;



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(ii) Thereafter, the petitioners 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 shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Kadaladi, Ramanathapuram;

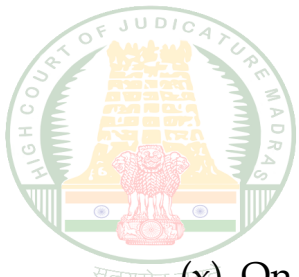
(v) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(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 not leave India without previous permission of the Court;

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

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



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सत्यमेव जयते (x) On breach of any of the aforementioned conditions, the learned Judicial
WEB COPY Magistrate, Kadaladi, Ramanathapuram, 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 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.

sd/-
19/02/2025

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

APD

TO

1 THE JUDICIAL MAGISTRATE, KADALADI RAMANATHAPURAM

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

3 THE INSPECTOR OF POLICE, SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-1899[I] dated 20/02/2025)



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ORDER

IN

CRL OP(MD) No.3064 of 2025

Date :19/02/2025

RS/SKN/SAR-(26.02.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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