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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 24/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3433 of 2025

1. Jeyaram
2. J.Jegan
3. K.Ruban ... Petitioners/A1, A3 and A4

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Nagamalaiputhukottai Police Station,
Madurai District.
Crime No.16/2025 ... Respondent/Complainant

For Petitioners : Mr.S.Muthuprakash
Advocate

For Respondent : Mr.S.S. Manoj
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2025 on the file of the Respondent-Police.

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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 20.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / Accused Nos.1, 3 and 4 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 118(2), 351(iii) of BNS, 2023 in Crime No.16 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to land dispute, on 12.01.2025, there was a wordy quarrel between the defacto complainant and the accused persons. At that time, the accused persons have attacked the defacto complainant with fire wood and thereby, caused head injury. The petitioners herein have been arrayed as A1, A3 & A4 respectively. Hence, the case.

4. Mr. S. Mukthuprakash, 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

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imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S. Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that the injured was admitted in the hospital on 12.01.2025 and discharged on 25.01.2025 due to intuition injury. 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 therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and also considering the fact that the petitioners and the defacto complainant are adjacent land owners and taking note of the fact that there are no previous cases against the petitioners and that the injured was discharged from the hospital and also 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

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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 No.VI, 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) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five 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.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 am and 5.00 pm until further orders.

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

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(v) 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.

vi) The petitioners shall not directly or indirectly cause any threat to the defacto complainant and tamper with evidence.

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

(vii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

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

(ix) 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 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].

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

sd/-
24/02/2025

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/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1. The Judicial Magistrate No.VI, Madurai

2. Do-Through The Chief Judicial Magistrate,
   Madurai District.

3. The Inspector of Police,
   Nagamalaiputhukottai Police Station,
   Madurai District.

4. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.MUTHUPRAKASH, Advocate ( SR-2042[I] dated 25/02/2025 )

ORDER
IN
CRL OP(MD) No.3433 of 2025
Date :24/02/2025

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RK/SKN (05/03/2025) 7P / 6C

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