



CRL OP(MD). No.3109 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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S.Sivasurya

... Petitioner/ Accused No.2

Vs

The Inspector of Police,
Uthapanaickanur Police Station,
Madurai District.
Crime No.14 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Ramsundarvijayraj
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.14 of 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 17.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the

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offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of Bharatiya
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Nyaya Sanhita (BNS), 2023 in Crime No.14 of 2025 on the file of the respondent-
police.

3. The case of the prosecution is that on 10.02.2025 at about 09.00 p.m., in a house warming ceremony, there was scuffle between the parties. Due to the same, on the same day, at about 11.00 a.m., A1 called to the defacto complainant and came to the spot along with other accused persons. A2 and A3 got hold the defacto complainant. and the first accused attacked the defacto complainant with a wooden log and caused head injury. Hence, the case.

4. Mr.S.Ramsundarvijayraj, learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and he did not commit any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide by any conditions imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits the defacto complainant was admitted in the hospital on 10.02.2025 and discharged on 19.02.2025. He further submits that the petitioner and the defacto complainant are relatives. He further submits that the investigation is not completed, and at this stage, if pre-arrest bail is granted to the



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petitioner, there is much possibility of them committing similar offence and causing threat to the defacto complainant and eye witness. Accordingly, 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. Therefore, there is less possibility of absconding. Considering the same and also considering the overt act of the petitioner 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 event of his surrender before the learned Judicial Magistrate No.II, Usilampatti, 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.II, Usilampatti;

(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



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identity proofs to ensure their identity;

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

(iv) 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;

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

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Usilampatti;

(viii) The petitioner shall not enter into the defacto complainant's house or workplace;

(ix) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode;

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

(xi) On breach of any of the aforementioned conditions, concerned Magistrate,



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or Trial Court as the case may be, is entitled to pass appropriate orders against the
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petitioner in accordance with law as if the aforementioned conditions are imposed by
them 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/-
21/02/2025

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

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
UTHAPANAICKANUR POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-2017[I] dated 24/02/2025)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :21/02/2025

RS/SKN/SAR-(05.03.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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