



CRL OP(MD). No.3121 of 2025

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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1.Nambiraj @ Nambi Raja
2.Selvam

... Petitioners/ Accused Nos.3 & 4

Vs

The State of Tamil Nadu,
Rep by the Sub-Inspector of Police,
Sattankulam Police Station,
Thoothukudi District.
Crime No.22 of 2025

... Respondent/ Complainant

For Petitioners : Mr.V.Angusamy, Advocate.

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.22 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 petitioners on 17.02.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



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an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 309(6) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.22 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and A1 met through an app called 'grinder' and decided to meet up. While so, A1 informed the defacto complainant that he will come with his friends. On 31.01.2025 at 09.00 p.m., they met at a secluded place near S.P.G. Rice Shop, Palaniappapuram, Peikulam Village where, the petitioner and other accused assaulted the defacto complainant with sickle and robbed his mobile phone. Hence, the case.

4. Mr.V.Angusamy, learned counsel appearing for the petitioners submits that the petitioners have been falsely implicated in this case and they did not commit any offence as alleged by the prosecution. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that there are four accused persons in this case. He further submits that A1 is still absconding, A2 was already arrested and the petitioners are A3 and A4. He further submits that the first petitioner / A3



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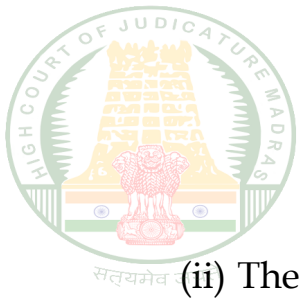
has two previous cases. He further submits that the second petitioner / A4 was formally arrested and therefore, the prayer sought for as against the second petitioner has become infructuous. He further submits that the defacto complainant sustained simple injury and he was treated as an out-patient. He therefore prays to dismiss this Criminal Original Petition.

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

7. As far as the second petitioner / A4 is concerned, since he has already been arrested, the prayer sought for against him has become infructuous.

8. As far as the first petitioner / A3 is concerned, considering the nature of the offences alleged against him and also considering the fact that the injured sustained simple injury and was treated as an out-patient and with a view to give one more opportunity to the first petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the first petitioner subject to the following conditions:

(i) The first petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Sathankulam, 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, Sathankulam;



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

(iv) The first 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;

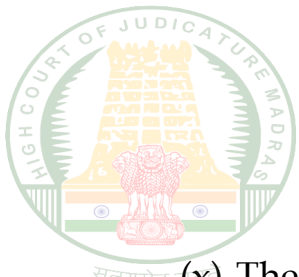
(v) The first petitioner shall not leave India without the previous permission of the Court;

(vi) The first petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. and 05.00 p.m. until further orders;

(vii) The first petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Sathankulam;

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

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



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(x) The first 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, or Trial Court as the case may be, is entitled to pass appropriate orders against the first 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].

9. In the result, the Criminal Original Petition as against the second petitioner is dismissed as infructuous. This Criminal Original Petition is allowed in respect of the first petitioner / A3 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.

TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM.



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2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE SUB INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-2053[I] dated 25/02/2025)

ORDER
IN

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Date :21/02/2025

mbi

MK/SKN/SAR /07.03.2025 6P/6C

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