



CRL OP(MD). No.3148 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

CRL OP(MD). No.3148 of 2025

1. Ramachandran,

2. Balasubramanian.

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Kurumbur Police Station,
Thoothukudi District.
Crime No.34 of 2025.

... Respondent/Complainant

For Petitioners : Mr.V.Angusamy

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.34 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 :-

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.1 and 2 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 115(2), 118(2), 351(3) & 46 of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.34 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to the civil dispute, on 28.01.2025, the petitioners have attacked the defacto complainant with spade and abused the defacto complainant in filthy language and also threatened with dire consequences. Hence, the counter case.

4. Mr.V.Angusamy, the learned counsel appearing for the petitioners, submits that the petitioners and the defacto complainant are relatives. He further submits that



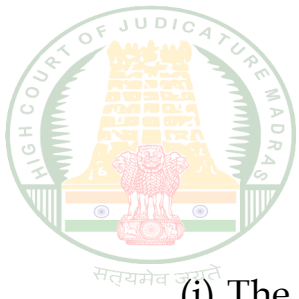
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the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that this is a case in counter and due to the lodging of previous complaint, a false case has been foisted against the petitioner. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the first petitioner/Accused No.1 has two previous cases and the second petitioner/Accused No.2 has five previous cases, which are similar in nature. He further submits that and the injured was admitted in hospital on 28.01.2025 and discharged on 05.02.2025. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners and the defacto complainant are relatives and it is a case in counter. Considering the same and considering the facts and circumstances of the case and the nature of the offence, and with a view to give one more 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:



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(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 No.I, Srivaikundam, Thoothukudi, 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 learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi;

(ii) Thereafter, the petitioners shall **stay at Madurai** and appear and sign before the **Inspector of Police, Mathichiyam Police Station, Madurai, daily at 10.00 a.m. and 5.00 p.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 No.I, Srivaikundam, Thoothukudi;

(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



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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 and work place of the defacto complainant;

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

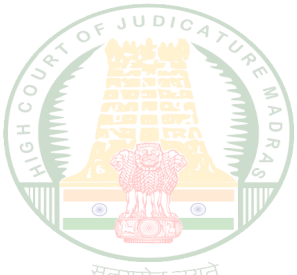
(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Srivaikundam, Thoothukudi, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid 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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/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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APD
TO
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- 1 THE JUDICIAL MAGISTRATE NO.I
SRIVAIKUNDAM THOOTHUKUDI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KURUMBUR POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE INSPECTOR OF POLICE
MATHICHIYAM POLICE STATION, MADURAI.

+1 CC to M/s.V.ANGUSAMY, Advocate (SR-1937[I] dated 21/02/2025)

ORDER
IN

CRL OP(MD) No.3148 of 2025
Date :19/02/2025

SS/SKN/SAR- /03/03/2025/ 6P/7C

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