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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3141 of 2025

1.Thanga Kalanjiyam

2.Saravanakumar

... Petitioners/ Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.58 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.58 of 2025 on the file of the respondent-police.

For Petitioners : Mr.M.Perumal, Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)



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 the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 108 of BNS, 2023, in Crime No.58 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 31.01.2025 at about 9.00 a.m., while the defacto complainant's father was bathing in the garden's Odai Kinaru, the accused persons, who are his brother and his brother's son came to the spot, abused the defacto complainant's father in filthy language and slapped him with chappal. Thereafter, on 04.02.2025, due to humiliation, the defacto complainant's father consumed pesticides and later died in the hospital on 06.02.2024. Hence, the case.

4. Mr.M.Perumal, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged



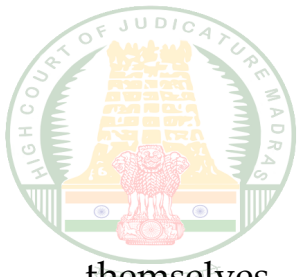
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by the prosecution and a false case has been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners and the defacto complainant are relatives. He further submits that due to civil dispute between the parties, it happened to the death of the defacto complainant's father. Hence, the custodial interrogation of the petitioners is necessary in this case. He, therefore, 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 hence, there is less possibility of absconding. In view of the nature of dispute, this Court is of the view that the custodial interrogation of the petitioners is not necessary in this case. Considering the same and also considering the fact that there are no previous cases against the petitioners 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.

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Accordingly, pre-arrest bail is granted to the petitioners subject to the 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.III, Tirunelveli, within a period of 15 days from 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.III, Tirunelveli.

(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 stay at Madurai District and sign before the Inspector of Police, Tallakulam Police Station, Madurai District daily at 10.00 a.m. and 05.00 p.m. until further orders.



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(iv) The petitioners shall not enter into their home viz., A.Devarkulam, Tirunelveli District until further orders.

(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, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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



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(x) 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].

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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TO

1 THE JUDICIAL MAGISTRATE NO.III
TIRUNELVELI

2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE
TALLAKULAM POLICE STATION, MADURAI DISTRICT.

+1 CC to M/s.M.PERUMAL, Advocate (SR-1845[I] dated 19/02/2025)

ORDER
IN
CRL OP(MD) No.3141 of 2025
Date :19/02/2025

ES/SKN/SAR /03.03.2025/7P/7C

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