



CRL OP(MD). No.3152 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.3152 of 2025

Sathish

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No. 22/2025

... Respondent/Complainant

For Petitioner : Mr.Kannan Gurusami, Advocate.
For Respondent : Mr.S.S.Manoj, Government Advocate (Crl.Side)

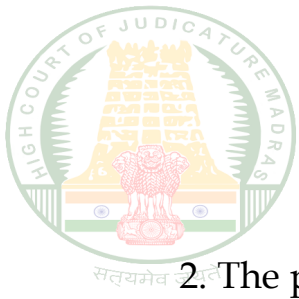
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory bail in Crime No.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 petitioner on 17.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 118(2) and 351(3) of the 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 on 09.02.2025, due to wordy quarrel arose between the petitioner and the defacto complainant during the funeral function, the petitioner abused the defacto complainant in filthy language and threatened him with dire consequence and attacked him with deadly weapons causing head injury. Hence, the case.

4. Mr.Kannan Gurusamy, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are two previous cases pending against the petitioner and they are similar in nature. He further submits that the injured person has been admitted in the hospital on 09.02.2025 and discharged on 14.02.2025. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and the witnesses. Accordingly, he prays



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to dismiss this Criminal Original Petition.

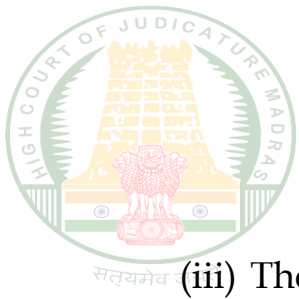
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6. Heard on both sides. This Court has perused the records.

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the above and with a view to give one more opportunity 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Andipatti, Theni District, 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) along with two sureties each for a like sum of Rs.25000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Andipatti, Theni District;

(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, Andipatti, Theni District shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent Police daily at 10.00 a.m. until further orders;

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

(v) 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;

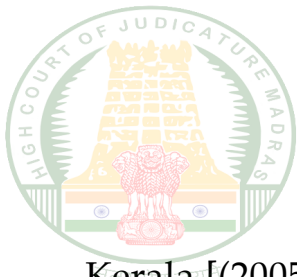
(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

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

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

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate; and

(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 petitioner 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



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Kerala [(2005) 13 SCC 283].

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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.

TSG
TO

TO

1 THE JUDICIAL MAGISTRATE, ANDIPATTI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.3152 of 2025

Date :19/02/2025

RS/SKN/SAR-(05.03.2025) 5P 5C

Madurai Bench of Madras High Court is issuing
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