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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3156 of 2025

1. S. Alexpandi,
S/o. Sekar,
No. 3/117, Nadumuthalaikulam(P.O),
Usilampatti Taluk
Madurai District.

2. S. Rajaguru,
S/o. Sekar,
No. 3/117, Nadumuthalaikulam(P.O),
Usilampatti Taluk
Madurai District.

3. S. Menaka,
W/o. Subash Chandra Bose,
No. 1/205, Perumalmalai
Karadipatti (Post)
Madurai District.

... Petitioners/ Accused Nos.3 to 5

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Vikkiramangalam Police Station,
Madurai District.
(Crime No. 14 of 2025).

... Respondent/ Complainant



WEB COPY For Petitioners : Mr.S. Elango,
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. 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 petitioners on 18.02.2025 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 Sections 191(2), 191(3), 296(b), 115(2), 118(i) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.14 of 2025 on the file of the respondent-police.



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3. The case of the prosecution is that due to civil dispute between the petitioners and the defacto complainant, on 15.02.2025, at about 05.30 p.m., the petitioners along with other accused persons abused the defacto complainant in filthy language and attacked the defacto complainant with iron rod, causing injury. Hence, the complaint.

4. Mr.S.Elango, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is one previous case pending against the first petitioner, there are three previous cases pending against the second petitioner and there are two previous cases pending against the third petitioner. He further submits that the injured was admitted in the hospital on 15.02.2025 and discharged on 17.02.2025. However, he prays to dismiss this Criminal Original Petition.

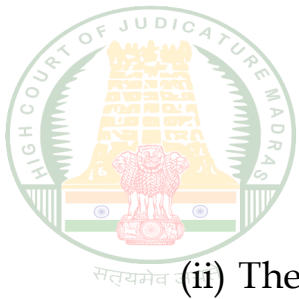


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6. Heard on both sides. This Court has perused the records.

7. Considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that there is one previous case pending against the first petitioner, there are three previous cases pending against the second petitioner and there are two previous cases pending against the third petitioner and also with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. 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.II, Usilampatti 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.II, Usilampatti;



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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 petitioners shall appear and sign before the respondent-police daily at 10.00 a.m., until further orders.

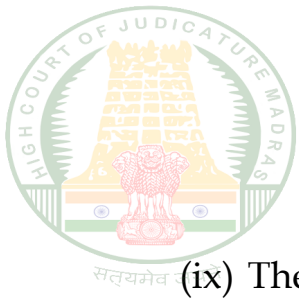
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) 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.

(vi) The petitioners shall also not, directly or indirectly cause threat to the defacto complainant, his family members and any other witnesses and shall not tamper the evidence.

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

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Usilampatti.



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work place.

(ix) The petitioners shall not enter into the defacto complainant's house or his

(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/-
20/02/2025

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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

1 THE JUDICIAL MAGISTRATE NO.II,
USILAMPATTI



2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
WEB COPY MADURAI DISTRICT.

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

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

+1 CC to M/s.S.ELANGO, Advocate (SR-1896[I] dated 20/02/2025)

ORDER IN
CRL OP(MD) No.3156 of 2025
Date :20/02/2025

ES/SKN/SAR /03.03.2025/7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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