



CRL OP(MD). No.3237 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Rakeshwaran
2.Gunalan

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kattuputhur Police Station,
Trichy District.
Crime No. 31/2025.

... Respondent/Complainant

For Petitioners	:	Mr.K.Arunraj
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.31 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 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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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(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023, in Crime No.31 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 08.02.2025, the petitioners abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences. Hence, this case. A counter case has also been filed.

4. Mr.K.Arunraj, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that in fact, there was a scuffle between them, and at that time, the defacto complainant brutally attacked the petitioner, causing grievous injuries and the petitioner were taken to the hospital. He further submits that supporting the above fact, the defacto complainant has lodged a false case. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the defacto complainant sustained simple injury and was admitted in hospital on 08.02.2025 and discharged on 09.02.2025. However, he prays to dismiss this Criminal Original Petition.



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

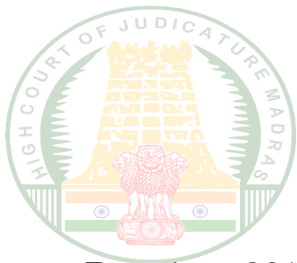
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7. The petitioners have permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence and the facts that this is a case in counter and the injured was discharged from the hospital and with a view to give an 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:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned District Munsif-cum-Judicial Magistrate, Thootiyam, 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.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Thootiyam;

(ii) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.30 a.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



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Practice, 2019']. The learned District Munsif-cum-Judicial Magistrate, Thootiyam 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 District Munsif-cum-Judicial Magistrate, Thootiyam;

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

(vi) The petitioners shall not enter into the house and work place of the defacto complainant;

(vii) 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;

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

(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 District Munsif-cum-Judicial Magistrate, Thootiyam, 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



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Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, THOOTIYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-2212[I] dated 27/02/2025)

ORDER
IN

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Date :26/02/2025

RS/SKN/SAR-(12.03.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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