



CRL OP(MD). No.3234 of 2025

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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

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1.G.Ilayaraja

2.V.Ajaykumar

... Petitioners/ Accused Nos.1 & 3

Vs

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

... Respondent/ Complainant

For Petitioners : Mr.S.Ramsundar Vijayraj, Advocate

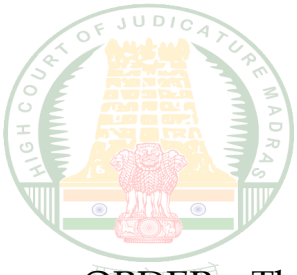
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

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.

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

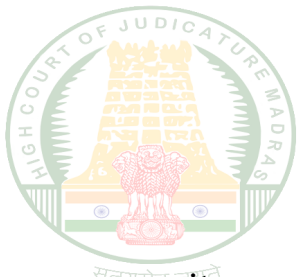
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This Criminal Original Petition has been filed by the petitioners on 18.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.14 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.02.2025 at about 09.00 p.m., in a house warming ceremony, there was scuffle between the parties. Due to the same, on the same day, at about 11.00 a.m., A1 called to the defacto complainant and came to the spot along with other accused persons. A2 and A3 got hold the defacto complainant. and the first accused attacked the defacto complainant with a wooden log and caused head injury. Hence, the case.

4. Mr.S.Ramsundar Vijayraj, learned counsel appearing for the petitioners, submits that the petitioners have been falsely implicated in this case and they did not



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commit any offence as alleged by the prosecution. He however submits that the petitioners are ready to abide by any conditions imposed by this Court Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits the defacto complainant was admitted in the hospital on 10.02.2025 and discharged on 19.02.2025. The first petitioner has two previous cases and the second petitioner has no previous case. He further submits that the petitioners and the defacto complainant are relatives and the investigation is not completed. He further submits that if pre-arrest bail is granted to the petitioners, there is much possibility of committing similar offence and causing threat to the eye-witnesses and others. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. Considering the overt act and also considering the previous case registered against the first petitioner, this Court is of the view that if pre-arrest bail is granted to



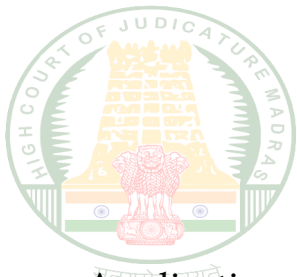
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the first petitioner, he will cause threat to the defacto complainant and other witnesses and thereby, delay the trial proceedings. Hence, this Court is not inclined to grant pre-arrest bail to the first petitioner.

8. As far as the second petitioner is concerned, the second petitioner has permanent residence and deep roots in the Society. Therefore, there is much possibility of absconding. Considering the overt act of the second petitioner and considering the fact that the second petitioner has no previous case and with a view to give an opportunity to the second petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the second petitioner subject to the following conditions:

(i) The second petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Usilampatti, Madurai District, 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.II, Usilampatti, Madurai District;

(ii) The sureties shall affix their photographs and left thumb impression in the



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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 second petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) The second 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;

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

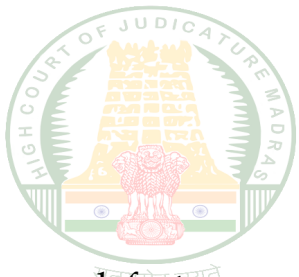
(vi) The second petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The second petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Usilampatti, Madurai District;

(viii) The second petitioner shall not enter into the defacto complainant's house or workplace;

(ix) The second petitioner shall not try to contact the defacto complainant either directly or through any electronic mode;

(x) The second petitioner shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence; and

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(xi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the second petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra insofar as the second petitioner/A3 is concerned and this Criminal Original Petition is dismissed insofar as the first petitioner/A1 is concerned.

sd/-
20/02/2025

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/03/2025

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

mbi

TO

1.THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI, MADURAI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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

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

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-1941[I] dated 21/02/2025)

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-2019[I] dated 24/02/2025)

ORDER

IN

CRL OP(MD) No.3234 of 2025

Date :20/02/2025

RK/SKN (05/03/2025) 7P / 7C

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