



CRL OP(MD). No.3223 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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Periyasamy,
S/o. Periyakaruppan,
No.2/164, South Street,
Vadivelkarai,
Pudhukulam Bit -I,
Pudhukulam,
Madurai District - 625 019.

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai
(Crime No. 45 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.P.Mahendran,
Advocate.

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



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 45 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 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 petitioner apprehends arrest at the hands of the respondent-Police for the offence punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.45 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 04.02.2025, at about 06.15 p.m., when the defacto complainant's sister and her would-be husband were having a photo shoot near a coconut farm, the petitioner along with other accused persons in a drunken mood, interrupted into the photo shoot. Since the defacto complainant and his brother came to the spot and questioned the same, the accused persons attacked the defacto complainant and his brother with coconut waste pieces and wooden logs,



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causing grievous injury and threatened them with dire consequences. Hence, the case.

4. Mr.P.Mahendran, 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 totally 6 accused persons in this case and the petitioner has been arrayed as Accused No.4. He further submits that the defacto complainant has been admitted in the hospital on 04.02.2025 and discharged on 08.02.2025. He further submits that there are no previous cases against the petitioner. However, 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 to dismiss this Criminal Original Petition.

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



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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 facts and circumstances of the case and taking note of the same and also considering the fact that there are no previous cases against the petitioner and with a view to give an 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 No.VI, Madurai, 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.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.VI, Madurai.

(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 petitioner shall appear and sign before the respondent-police daily at

10.00 a.m. until further orders.



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(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 also not, directly or indirectly cause threat to the defacto complainant and the witnesses, and tamper with 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.



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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 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 Kerala [(2005) 13 SCC 283]*.

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

sd/-
20/02/2025

/ TRUE COPY /

/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.VI
MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI



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

+1 CC to M/s.P.MAHENDRAN, Advocate (SR-1878[I] dated 20/02/2025)

ORDER

IN

CRL OP(MD) No.3223 of 2025

Date :20/02/2025

SS/SKN/SAR- /04/03/2025/ 7P/6C

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