



CRL OP(MD). No.3350 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3350 of 2025

1.Denik Vignesh
2.Sahaya Abishek
3.Nijo
4.Shakin
5.Nikash Niroshan

... Petitioners/ Accused Nos.1 to 5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Colachel Police Station,
Kanyakumari District.
Crime No.38 of 2025

... Respondent/Complainant

For Petitioners : Mr.D.Rajaboopathy

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.38 of 2025 on the file of the respondent-police.



CRL OP(MD). No.3350 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 19.02.2025 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 191(2), 296(b), 115(2), 118(1), 126(2) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.38 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to previous civil dispute, on 06.02.2025, the petitioners quarrelled with the defacto complainant, assaulted him and threatened him with dire consequences. Hence, the case.

4. Mr.D.Rajaboopathy, learned counsel appearing for the petitioners, submits that a false case has been foisted against the petitioners and they did not commit any offence as alleged by the prosecution. He however submits that the petitioners are ready to abide by any condition to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.



CRL OP(MD). No.3350 of 2025

WEB COPY

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant was admitted in the hospital on 06.02.2025 and discharged on 12.02.2025. He further submits that the petitioners have no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the above and considering the fact that the injured has been discharged from the hospital and taking note of the fact that the petitioners are first-time offenders, 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 Judicial Magistrate, Eraniyal, Kanyakumari 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



CRL OP(MD). No.3350 of 2025

Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/-

WEB COPY

(Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Eraniyal, Kanyakumari 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 shall obtain a copy of any one of identity proofs to ensure their identity;

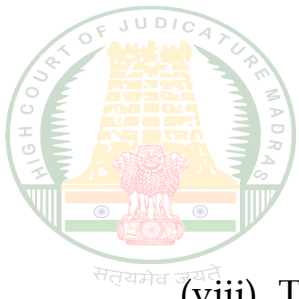
(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) 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;

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

(vi) Thereafter, the petitioners shall stay at Nagercoil and appear and sign before the Inspector of Police, Kottar Police Station daily at 09.00 a.m. and 05.30 p.m., until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Eraniyal, Kanyakumari District;



CRL OP(MD). No.3350 of 2025

WEB COPY

(viii) The petitioners shall not enter into Kurumpanai Village until further orders;

(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, concerned 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 them 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/-
21/02/2025

/ TRUE COPY /

/03/2025

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

MBI

TO

1 THE JUDICIAL MAGISTRATE
ERANIEL, KANYAKUMARI DISTRICT.



CRL OP(MD). No.3350 of 2025

WEB COPY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
COLACHEL POLICE STATION,
KANYAKUMARI DISTRICT.

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

COPY TO:
THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, NAGERCOIL.

+1 CC to M/s.D.RAJABOOPATHY, Advocate (SR-2059[I] dated 25/02/2025)

ORDER
IN
CRL OP(MD) No.3350 of 2025
Date :21/02/2025

SS/SKN/SAR- /07/03/2025/ 6P/7C

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