



CRL.OP(MD). No.3723 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3723 of 2025

Senthil Kumar

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Chinnalampatti Police Station,
Dindigul District.
(Crime No.103 of 2023)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.103 of 2023 on the file of the respondent-police.

For Petitioner : M/s.C.R.Ponnuthai,
Advocate
For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent- police for the alleged offences punishable under Section 153A of IPC in connection with the Crime No.103 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that the de-facto complainant is the Secretary of a political party in Dindigul District. On 01.07.2023, another political party conducted a public meeting at Aaratha Palace, near Pooncholai. During the meeting, the petitioner is alleged to have abused the leader of the defacto complainant's party using filthy language, threatened to slap him with a slipper, and vowed to destroy both the leader and his party. Hence, the case.

4. M/s.C.R.Ponnuthai, 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. He further submits that a false case has been foisted against the petitioner. She further submits that the petitioner was already granted pre-arrest bail by this Court in Crl.O.P(MD).No.13616 of 2023 on 03.08.2023. The petitioner could not comply with the conditions in time. Subsequently, the petitioner filed a petition for an extension of time before this Court in Crl.M.P(MD).No.8728 of 2024 in Crl.O.P



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(MD).No.13616 of 2023, which was allowed on 28.08.2024. Due to his diabetic condition, the petitioner could not again comply with the order passed by this Court, prompting him to file three more extension petitions. The learned counsel further submits that the petitioner is ready to abide by any conditions imposed by this Court. Accordingly, she prays for the 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 though the petitioner was already granted pre-arrest bail by this Court in Crl.O.P(MD).No.13616 of 2023 on 03.08.2023 and the time for complying the conditions was extended, till date, the petitioner has not complied with the conditions imposed by the Court. He further contends that if pre-arrest bail is granted once again, the petitioner may abscond and fail to appear before the Court, thereby delaying the trial proceedings. Therefore, he prays for dismissal of this Criminal Original Petition.

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

7. The reasons stated in the affidavit filed in support of the petitioner are found to be satisfactory for non-compliance of the conditions. Further, in view of the same,



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this Court is of the opinion that custodial interrogation of the petitioner is not necessary. As a last opportunity to the petitioner, this Court is inclined to grant pre-arrest bail to the petitioner once again, 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, Aathur, Dindigul 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) 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, Aathur, Dindigul 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 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 any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned 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



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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/-
04/03/2025

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/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE JUDICIAL MAGISTRATE
AATHUR, DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
CHINNALAMPATTI POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.C.R.PONNUTHAI, Advocate (SR-2419[I] dated 05/03/2025)



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ORDER
IN
CRL OP(MD) No.3723 of 2025
Date :04/03/2025

SS/SKN/SAR- /13/03/2025/ 7P/6C

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