



CRL OP(MD). No.3584 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. P. Dineshraj
2. Ilayaraj

... Petitioners/ Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Karaikudi North Police Station,
Sivangangai Distirct.
Crime No. 77/2025.

... Respondent/Complainant

For Petitioners : Mr.G.Thiruvartselvan

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. 77 of 2025 on the file of the Respondent-Police.



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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 24.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 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), 329(3), 292, 296(b), 351(3) and 196(1)(a) of the Bharatiya Nyaya Sanhita (BNS) 2023 in Crime No.77 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the Manager of a Bakery. On 14.02.2025, in the event of Lover's Day, the bakery gave offers to the customer. In opposition to this, the petitioners, along with other accused persons, formed an unlawful assembly, trespassed into the bakery, abused the defacto complainant and lovers in that bakery in filthy language and threatened them with dire consequences by showing Thali. The accused person also spoke in a manner that incited religious riots. Hence, this case.

4. Mr.G.Thiruvarutselvan, 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 the petitioners are members of the public, who watched the protest by a group. He however submits



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that the petitioners are ready to abide by any conditions that may be imposed by this Court. 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 petitioners have been arrayed as Accused Nos.5 and 6 by the respondent-police. He further submits that the first petitioner/A5 has two previous cases and the second petitioner/A6 has three previous cases. He further submits that if this Court grants pre-arrest bail to the petitioners, they will repeatedly indulge in similar type of offences and again cause threat to the general public. Hence, 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 hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offence and with a view to give one more 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, Karaikudi, Sivagangai, within a period of 15 days from the date on which the order copy is made ready, on



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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, Karaikudi, Sivagangai. Among two sureties, one surety must be a blood surety;

(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, Karaikudi, Sivagangai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Karaikudi, Sivagangai;

(iv) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. and 5.30 p.m., until further orders;

(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 or work place of the defacto complainant and the said bakery;

(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;



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(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 Judicial Magistrate, Karaikudi, Sivagangai, 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 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/-
26/02/2025

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

APD

TO

1 THE JUDICIAL MAGISTRATE
KARAIKUDI SIVAGANGAI



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVANGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3584 of 2025

Date :26/02/2025

SS/SKN/SAR- /14/03/2025/ 6P/5C

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