



CRL OP(MD). No.3638 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

CRL OP(MD). No.3638 of 2025

1. Sivaramakrishnan
2. Velmurugan
3. Prakatheeswaran

... Petitioners/ Accused (Rank not known)

Vs

The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
Cr.No.159/2024

... Respondent/Complainant

For Petitioners : Mr.C.Senthil Murugan, Advocate.

For Respondent : Mr.K.Sanjai Gandhi, Government Advocate (Crl.Side)

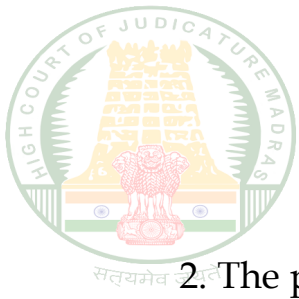
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.159 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 24.02.2025 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 petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 25(1)(a) of the Arms Act, 1959 in Crime No.159 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 08.09.2025, at about 07.00 p.m., near B.Puthur bridge, the petitioners herein were armed with deadly weapons and threatened the general public. Based on the complaint given by one of the public, the First Information Report was registered. Hence, the case.

4. Mr.C.Senthil Murugan, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the petitioners have been arrayed as accused only for the reason that they are friends of the named accused. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners were also involved in the crime and that if the petitioners are granted pre-arrest bail, they will cause threat and nuisance to the general public. He further submits that there are no previous cases against petitioner Nos.1 and 2, and there are 26 previous cases against



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the third petitioner. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. When this Court was not inclined to grant pre-arrest bail to the third petitioner, considering the previous cases, Mr.C.Senthil Murugan, learned counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original Petition in respect of the third petitioner alone. Hence, this petition is dismissed as withdrawn insofar as the third petitioner is concerned. In that effect, he has made an endorsement in the case file and the same is extracted hereunder:

“This petition has been withdrawn to the concern of 3rd petitioner.”

8. As far as Petitioner Nos.1 and 2 are concerned, this Court has perused the First Information Report. The Petitioner Nos.1 and 2 have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and taking note of the fact that the petitioner Nos.1 and 2 are first offenders and with a view to give an opportunity to petitioner Nos.1 and 2 to reform themselves, this Court is inclined to grant an order of pre-arrest bail to Petitioner Nos.1 and 2 subject to the following conditions:

(i) The Petitioner Nos.1 and 2 shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Paramakudi, within a period of 15 days from date on which the order copy is made



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ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Paramakudi;

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

(iii) The Petitioner Nos.1 and 2 shall appear and sign before the respondent-Police daily at 10.30 a.m., and 05.00 p.m., until further orders;

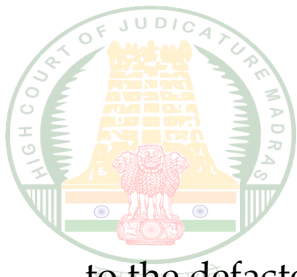
(iv) The Petitioner Nos.1 and 2 shall make themselves available for interrogation by a police officer as and when required;

(v) The Petitioner Nos.1 and 2 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 Nos.1 and 2 shall not leave India without the previous permission of the Court;

(vii) The Petitioner Nos.1 and 2 shall not enter into the defacto complainant's house or his work place;

(viii) The petitioner Nos.1 and 2 shall not, directly or indirectly, cause any threat



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to the defacto complainant, the general public and witnesses and shall not tamper the
evidence;

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(ix) The Petitioner Nos.1 and 2 shall furnish their residential address and mobile number to the concerned Magistrate; and

(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 Nos.1 and 2 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].

9. Accordingly, this Criminal Original Petition is allowed in respect of Petitioner Nos.1 and 2 subject to the conditions stated supra and dismissed as withdrawn in respect of the first petitioner.

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.

TSG

TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE, PARTHIBANOUR POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN

CRL OP(MD) No.3638 of 2025

Date :26/02/2025

RS/VR/SAR-(17.03.2025) 6P 5C

Madurai Bench of Madras High Court is issuing
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