



CRL OP(MD). No.3627 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3627 of 2025

1 A.Nagaraj @ A.Nagarajan
2 N.Kanna @ N.Ramapandian

... Petitioners/ Accused Nos.1 & 2

Vs

The Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No.39 of 2025

... Respondent/Complainant

For Petitioners : Mr.T.Aswin Rajasimman
For Respondent : Mr.S.S.Manoj, Government Advocate (Crl.Side)

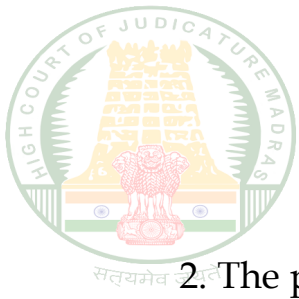
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.39 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 petitioners on 24.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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 Sections 324(4) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.39 of 2025 on the file of the respondent-police. The aforesaid offences are bailable in nature as per BNS, 2023. However, the alleged occurrence took place on 26.06.2024. Hence, the corresponding Section of law would be 294(b) and 506(ii) of Indian Penal Code, 1860. To be noted, 506(ii) is non-bailable offence. Since the alleged occurrence took place before the commencement of BNS, 2023, this Court is of the view that this petition under Section 482 of BNSS would be maintainable.

3. The case of the prosecution is that on 26.06.2024 at about 10.45 p.m., when the defacto complainant and his family members returned home from Madurai, the petitioners on knowing about their return, cut the EB service wires in front of the defacto complainant's house and threw the same on the defacto complainant and his family members with an intention to kill everyone in the car. They also cut the power supply of the defacto complainant's house with an evil intention. Hence, the case.

4. Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution, and a false case has been foisted against them. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence,



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he prays for grant of pre-arrest bail to the petitioners.

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5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioners, in a collusive manner, attempted to kill the defacto complainant and his family members. He further submits that if pre-arrest bail is granted to the petitioners, they will again cause threat to the defacto complainant and his family members. Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. In view of the averments made in the First Information Report, the petitioners have reasonable apprehension of arrest at the hands of the respondent-Police. The petitioners have permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Considering the totality of circumstances, 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, Uthamapalayam, 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.10,000/- (Rupees Ten Thousand only) each along



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

(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 appear before the learned Judicial Magistrate, Uthamapalayam as and when they receive summons;

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

(viii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant, his family members and witnesses and shall not tamper the



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evidence; and

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(ix) On breach of any of the aforementioned conditions, concerned 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/-
28/02/2025

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/03/2025

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

mbi

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, CHINNAMANUR POLICE STATION,
THENI DISTRICT.

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



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+1 CC TO MR.T.ASWIN RAJASIMMAN, ADVOCATE, SR-13747[F] Dated
03/03/2025

ORDER

IN

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Date :28/02/2025

RS/SKN/SAR-(17.03.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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