



CRL OP(MD). No.3677 of 2025

WEB COPY

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.3677 of 2025

1. Esakki Pandi @ Ananth

2. Senthilkumar @ Kumar

... Petitioners/ Accused No.1 & 3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
Crime No. 65/2025.

... Respondent/Complainant

For Petitioners : Mr.M. Mohan Gandhi.

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. 65 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

<https://www.mhc.tn.gov.in/judis> under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



CRL OP(MD). No.3677 of 2025

grant an order of pre-arrest bail.

WEB COPY

2. The petitioners/Accused Nos.1 and 3 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 118(1) and 351 (3) of the Bharatiya Nyaya Sanhita (BNS) 2023 in Crime No.65 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners and the defacto-complainant are from the same village. On 08.02.2025, when the defacto complainant was attending a funeral function, the petitioners and other accused person/A2 fought with the defacto complainant. After intervention of the villagers, they fled from there. However, on the same day, at 10.00 p.m., when the defacto complainant was alone, the petitioners and A2 came to the spot and the first petitioner/A1 attacked him on the back side of defacto complainant's head with beer bottle and the other accused person/A2 also attacked him on the neck with a wooden log and the second petitioner/A3 kicked him down. The accused persons also gave a life threat to the defacto complainant. Hence, this case.

4. Mr.M. Mohan Gandhi, 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 co-accused person/A2 was granted pre-arrest bail. He however submits that the petitioners are



ready to abide by the conditions that may be imposed by this Court. Hence, he prays
WEB COPY
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 first petitioner/A1 has three previous cases and the second petitioner/A3 has one previous case, which are not similar in nature. He further submits that the co-accused person/ A2 was granted pre-arrest bail on the ground that he has no previous case. 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 deep roots in the society and hence, there is less possibility of absconding. Considering the same, the facts and circumstances of the case, the nature of offence, and the antecedents of the petitioners 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 No.III, Tirunelveli, 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) each



CRL OP(MD). No.3677 of 2025

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 No.III, Tirunelveli;

(ii) Thereafter, the first petitioner/A1 shall appear and sign before the respondent-Police daily at 10.00 a.m. and 5.00 p.m and the second petitioner/A3 shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

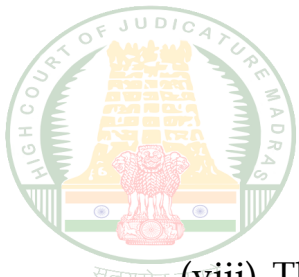
(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.III, Tirunelveli, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.III, Tirunelveli;

(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;

(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;



CRL OP(MD). No.3677 of 2025

WEB COPY
Court;

(viii) The petitioners shall not leave India without previous permission of the

(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 No.III, Tirunelveli, 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

/ TRUE COPY /

/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 NO.III
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.



CRL OP(MD). No.3677 of 2025

3 THE INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.M.MOHAN GANDHI, Advocate (SR-2252[I] dated 28/02/2025)

ORDER
IN
CRL OP(MD) No.3677 of 2025
Date :26/02/2025

SA/SKN/SAR. /13.03.2025/6P/6C

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