



CRL OP(MD). No.3767 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. C.Ramaiyan
2. Manimegalai
3. Nethaji
4. C.Muthusamy
5. M.Karnan

... Petitioners/ Accused Nos. 1 to 5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Pappanadu Police Station,
Thanjavur District.
Crime No.42 of 2025.

... Respondent/Complainant

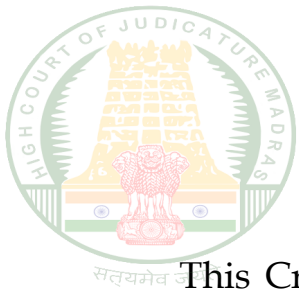
For Petitioner	:	Mr.B.Anandan, Advocate
For Respondent	:	Mr.K.Sanjai Gandhi
		Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.42 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioners on 25.02.2025 under Section 482 of the 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 296(b), 131, 74 and 351(2) of BNS, 2023, in Crime No.42 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 04.02.2025, the defacto complainant damaged the canal belonging to the PWD situated at Sankaranathakudikadu Village and stopped the water, which flows through the petitioner's land. When the same was questioned by A1, a verbal quarrel arose between them. The petitioners herein abused the defacto complainant with filthy language and also threatened him with dire consequences. Hence, the case.

4. Mr.B. Anandan, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submits that neither of the petitioners was present at the said location at any point in time, and no independent witnesses have been cited to corroborate that the petitioners were present at the scene of the crime. He further submits that, in fact, a counter case has also been registered in Crime No.41 of 2025 against the defacto



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complainant. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order 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 there are no previous cases against the petitioners. He further submits that no one sustained an injury in the said occurrence. He further submits that this is a case in counter and the counter case has been registered in Crime No.41 of 2025, and that the investigation of the case is pending. He further submits that if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. 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. Therefore, 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 alleged against the petitioners and taking note of the fact that there are no previous cases against the petitioners and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the



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following conditions:

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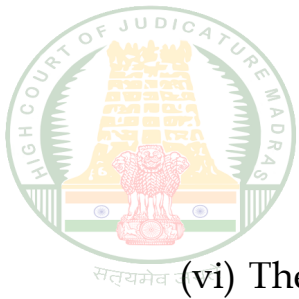
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned District Munsif - cum - Judicial Magistrate, Orathanadu, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif - cum - Judicial Magistrate, Orathanadu.

(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 District Munsif - cum - Judicial Magistrate, Orathanadu shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 am until further orders.

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) 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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(vi) The petitioners shall also not directly or indirectly cause any threat to the defacto complainant and witnesses and tamper with evidence.

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

(viii) The petitioners shall furnish their residential address and mobile number to the learned District Munsif - cum - Judicial Magistrate, Orathanadu.

(ix) The petitioners shall not enter into the defacto complainant's house or her work place.

(x) On breach of any of the aforementioned conditions, the learned District Munsif - cum - Judicial Magistrate, Orathanadu 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/-
27/02/2025

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



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TO मेव जयते

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ORATHANADU.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, PAPPANADU POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-2279[I] dated 03/03/2025)

ORDER
IN

CRL OP(MD) No.3767 of 2025

Date :27/02/2025

RS/SKN/SAR-(12.03.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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