



CRL.OP(MD). No.3873 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3873 of 2025

1.Alagupandi

2.Balamurugan

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thirupachetty Police Station,
Sivagangai District.
(Crime No.92 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.92 of 2024 on the file of the respondent-police.

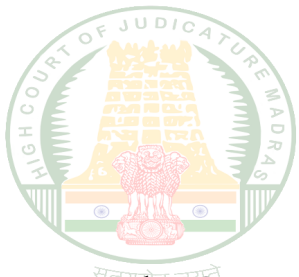
For Petitioners : Mr.D.S.Haroon Rasheed,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioners on 26.02.2025



CRL.OP(MD). No.3873 of 2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
WEB COPY
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 294(b), 324 and 506(2) of IPC, in Crime No.92 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's relative borrowed money from a private finance company and the same was also arranged by the petitioners. When the petitioners asked them to repay the borrowed amount on 18.05.2024 at about 02.00 pm., the defacto complainant objected the same, due to which the petitioners assaulted the defacto complainant with hands and threatened with criminal intimidation. Hence, the case.

4. Mr.D.S.Haroon Rasheed, 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 a false case has been foisted against the petitioners. 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the alleged occurrence took place



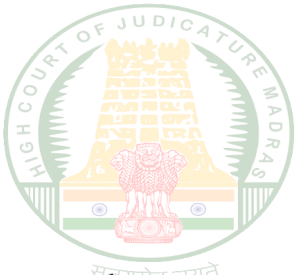
CRL.OP(MD). No.3873 of 2025

on 18.05.2024. The petitioners were granted pre-arrest bail by this Court in CRL.OP (MD).No.7577 of 2024 on 28.06.2024. But the petitioners did not comply with the conditions and suretyship has not been produced within the time stipulated by this Court. Thereafter, the petitioners filed CRL.MP(MD).No.1155 of 2025 in CRL.OP (MD).No.7577 of 2024 seeking extension of time to furnish the suretyship and the said petition was dismissed. Now, the petitioners filed this second pre-arrest bail petition before this Court incorporating correct crime number and the provisions of law. He further submits that the petitioners have been arrayed as A1 and A2. He further submits that A1 has one previous case and A2 has two previous cases. He, therefore, 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. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and 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 following conditions:

(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 Judicial Magistrate,



CRL.OP(MD). No.3873 of 2025

Thiruppuvanam,
WEB COPY

Thiruppuvanam, within a period of 15 days from 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 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, Thiruppuvanam.

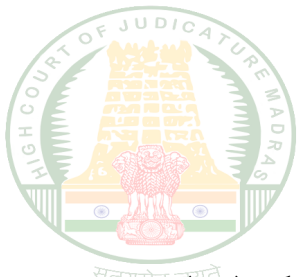
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. 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.

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



CRL.OP(MD). No.3873 of 2025

WEB COPY

(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 concerned Magistrate.

(ix) 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 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/-

28/02/2025

// True Copy //

/03/2025

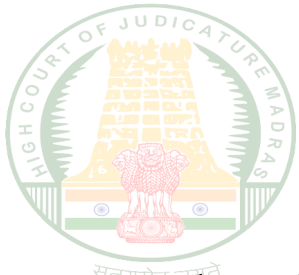
Sub Assistant Registrar
(CS- I/ II / III / IV)

pal

To

1.The Judicial Magistrate,
Thiruppuvanam.

<https://www.hmc.tn.gov.in/judis>



CRL.OP(MD). No.3873 of 2025

2.Do Through
The Chief Judicial Magistrate,
Sivagangai.

3.The Inspector of Police,
Thirupachetty Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.OP(MD). No.3873 of 2025
28.02.2025

KVL(20/03/2025) 6P 5 C

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