

CRL.OP(MD). No.3754 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT
THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3754 of 2025

1.R.Senthilkumar

2.S.Dharani

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thilagar Thidal Police Station (L&O),
Madurai District.
(Crime No.85 of 2025)

... 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.85 of 2025 on the file of the respondent-police.

For Petitioners : Mr.A.Mathan,

Advocate

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate

(Criminal Side)

For Intervener : Mr.M.Iniyavan,

Advocate

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 25.02.2025



CRL.OP(MD). No.3754 of 2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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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), 115(2) and 351(2) of BNS, 2023, and Section 4 of TNPHW Act, in Crime No.85 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the accused persons abused the defacto complainant in filthy language, assaulted with hands and threatened him with dire consequences. Hence, the case.

4. Mr.A.Mathan, 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 a false case has been foisted against the petitioners. He however submits that the petitioners are ready to abide by any conditions that may 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 totally three accused persons in this case and the petitioners have been arrayed been arrayed as A1 and A2. He further submits that there are no previous cases against



CRL.OP(MD). No.3754 of 2025

WEB COPY

the petitioners. He further submits that due to injury, the defacto complainant was treated as out-patient. Therefore, if the petitioners are released on pre-arrest bail, they will again cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Mr.M.Iniyavan, the learned counsel for the intervener submits that the accused persons illegally trying to occupy the house of the defacto complainant. Therefore, if the petitioners are released on pre-arrest bail, they will again cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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

8. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and taking note of the fact that the injured was treated as out-patient 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 No.II,



CRL.OP(MD). No.3754 of 2025

Madurai District, within a period of 15 days from the date on which the order copy
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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 Judicial Magistrate No.II, Madurai District.

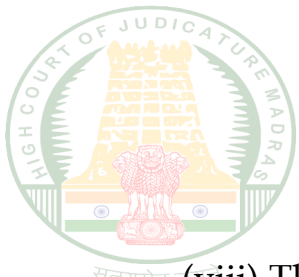
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 09.00 a.m. until further orders.

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

(vi) 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.

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



CRL.OP(MD). No.3754 of 2025

WEB COPY

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

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

(x) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(xi) 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]*.

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

Sd/-

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/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai.

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CRL.OP(MD). No.3754 of 2025

To मेव जयते

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- 1.The Judicial Magistrate No.II,
Madurai District.
- 2.Do Through
The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police,
Thilagar Thidal Police Station (L&O),
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.3754 of 2025
08.04.2025

BV (07/05/2025) 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.