



CRL.OP(MD). No.3827 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3827 of 2025

K.Pitchaimuthu @ Pichaimuthu ... Petitioner / Sole Accused
Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Vanniyampatti Vilakku Police Station,
Srivilliputtur Taluk,
Virudhunagar District.
(Crime No.60 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
petitioner in Crime No.60 of 2025 on the file of the respondent police.

For Petitioner : Mr.R.Jagadeeshwaran, Advocate

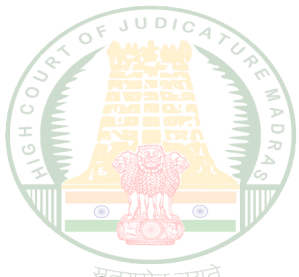
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.02.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for

the offences punishable under Sections 296(b), 118(2) and 351(2) of BNS, 2023, in
<https://www.mhc.tn.gov.in/judis>



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Crime No.60 of 2025 on the file of the respondent-police.

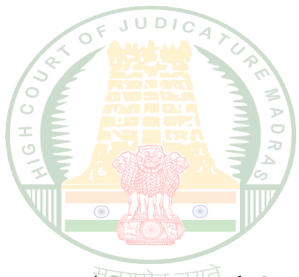
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3. The case of the prosecution is that the petitioner and the defacto complainant are brothers. There was a dispute with regard to the construction of wall between them. On 12.02.2025, when the petitioner was not in the house, the defacto complainant resumed construction of the wall which was earlier stopped due to financial problem. On the same day, at about 09:00 P.M., the petitioner allegedly demolished the wall. When the defacto complainant questioned the same, the petitioner assaulted the defacto complainant with a stone, causing injuries to his hand and finger, abused the defacto complainant in filthy language and criminally intimidated him with dire consequences. Hence, the case.

4. Mr.R.Jagadeeshwaran, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and a false has been foisted against this petitioner. He further submits that, in fact, the defacto complainant attacked the petitioner, causing injuries and the petitioner was treated as an out-patient in the Government Hospital. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate

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



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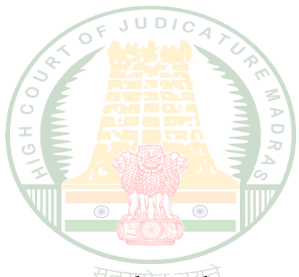
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(Criminal Side) appearing for the respondent-police, submits that there is a pathway dispute between the parties. He further submits that there are no previous cases against the petitioner. He further submits that due to injury, the injured was admitted in the hospital on 12.02.2025 and discharged on 18.02.2025. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the fact the injured was discharged on 18.02.2025 and the nature of the offence alleged against the petitioner, and taking note of the fact that there are no previous cases against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District, 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) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned



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Judicial Magistrate No.II, Srivilliputtur, Virudhunagar District.

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(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 petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

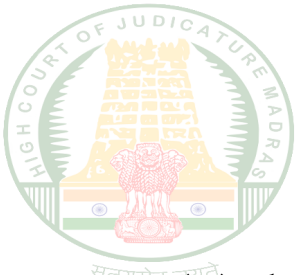
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

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

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

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.



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(ix) The petitioner shall also not enter into the defacto complainant's house or his workplace.

(x) 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 petitioner 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.

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28.02.2025

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

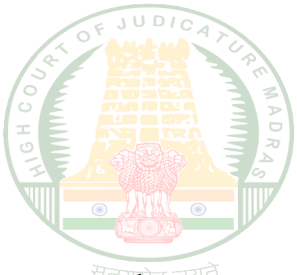
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To

1.The Judicial Magistrate No.II,
Srivilliputtur,
Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District.

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



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3.The Inspector of Police,
Vanniyampatti Vilakku Police Station,
Srivilliputtur Taluk,
Virudhunagar District.

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

+1 CC to M/s.R.JAGADEESHWARAN, Advocate (SR-2337[I] dated 04/03/2025)

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SL(19.03.2025)/ 6P/ 6C

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