



CRL.OP(MD). No.3820 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

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Hariharan @ Harikrishnan

... Petitioner / Accused Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Siruganur Police Station,
Trichy District.
(Crime No.9 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.9 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Lenin Kumar,
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 :-

This Criminal Original Petition has been filed by the petitioner on 26.02.2025

<https://www.court.nic.in> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 49, 191(2), 191(3), 118(1) and 351(3) of BNS, 2023, in Crime No.9 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 14.01.2025, while the defacto complainant was on his way to deliver lunch to his grandfather, he noticed one Ramakrishnan and five others consuming alcohol. Upon seeing the defacto complainant, the accused persons started wordy quarrel with him. When the defacto complainant's father intervened and questioned the accused persons, they threatened him with dire consequences. Subsequently, when the defacto complainant and his brother questioned the accused persons, they attacked them with deadly weapons and thereby causing injuries. Hence, the case.

4. Mr.T.Lenin Kumar, 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. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is 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 petitioner.



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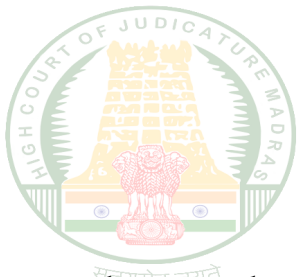
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5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the injured has been admitted to the hospital on 15.01.2025 and discharged on 18.01.2025. He further submits that there are no previous cases against the petitioner. He further contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and his family members and tamper with the evidence. He, therefore, prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, 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 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 pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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, Lalgudi, 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)



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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, Lalgudi.

(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.

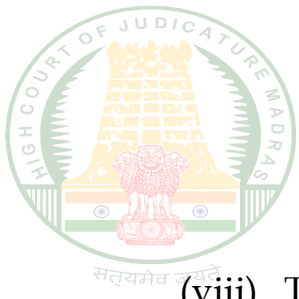
(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

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

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



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(viii) The petitioner shall furnish his 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 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*.

Sd/-

28/02/2025

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

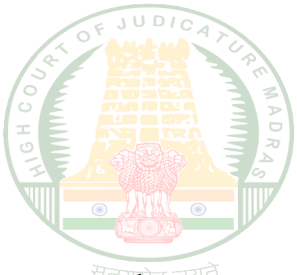
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To

1.The Judicial Magistrate,
Lalgudi.

2.Do Through
The Chief Judicial Magistrate,
Trichy.

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



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3.The Inspector of Police,
Siruganur Police Station,
Trichy District.

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

+1CC to M/s.T.LENIN KUMAR, Advocate SR.No.2283 dated 03/03/2025

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28.02.2025

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