

CRL.OP(MD). No.3927 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3927 of 2025

1.Raji

... 1st Petitioner/ Accused No.1

2.Pandiyan

3.Maheswaran

4.Suruli

... 2-4 Petitioners/ Accused(Rank now Known)

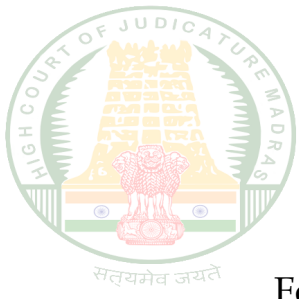
Vs.

The State of Tamil Nadu,
rep. by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Crime No. 61 of 2025

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners on bail in the event of their arrest at the hands of respondent-police in Crime No.61 of 2025.

For Petitioners : Mr.Mr.J.Yogeswaran,
Advocate



CRL.OP(MD). No.3927 of 2025

WEB COPY

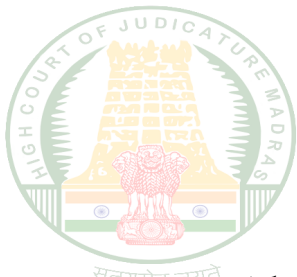
For Respondent : Mr.K.Sanjay Gandhi
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 27.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused No.1 and accused rank not known apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 127(2), 296(b), 118(1) and 351(2) of the Bharatiya Nyaya Sanhita (BNS) 2023 in Crime No.61 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and the first petitioner/A1's daughter loved each other. Knowing the same, the family members of the girl warned the defacto complainant. While so, on 22.02.2025 at about 09.00 p.m., when the defacto complainant went to see the first petitioner/Accused No.1's daughter, A1 pulled him into her house and called other accused i.e., A2 to A4. They attacked the defacto complainant with belt and Aruval, thereby causing severe



CRL.OP(MD). No.3927 of 2025

injuries. When they were planning to murder him, he escaped from the place. He was admitted in the hospital, where the respondent-police recorded his statement. Hence, the case.

4. Mr.J.Yogeswaran, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that a dispute was prevailing between the defacto complainant and A1 regarding the love affair between him and A1's daughter, due to which, on the particular day when he went to visit the girl, the accused persons attacked the defacto complainant. He further submits that if pre-arrest bail is granted to the petitioner, they will cause threat to the defacto complainant and his family members. He further submit that the injured was admitted in the hospital on 22.02.2025 and also discharged on 03.03.2025. He, however, prays to dismiss this Criminal Original Petition.



CRL.OP(MD). No.3927 of 2025

WEB COPY

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

7. The petitioners have permanent residence and 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, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate Court, Uthamapalayam, Theni 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) 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 Court, Uthamapalayam, Theni District;

(ii) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(iii) 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

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



CRL.OP(MD). No.3927 of 2025

Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of
WEB COPY

identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate Court, Uthamapalayam, Theni District;

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

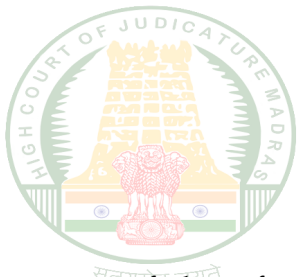
(vi) The petitioners shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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

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

(ix) The petitioners shall also not try to contact the defacto complainant either directly or through any electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate Court, Uthamapalayam, Theni District, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law



CRL.OP(MD). No.3927 of 2025

as if the aforementioned conditions are imposed by him as laid down by the Hon-
WEB COPY
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/-
05/03/2025

/ TRUE COPY /

/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

gbg

To

- 1.The Judicial Magistrate Court,
Uthamapalayam, Theni District.
2. Do through the Chief Judicial Magistrate,
Theni District.
- 3.The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai

<https://www.maduraijudis.in>



WEB COPY



CRL.OP(MD). No.3927 of 2025

Order made in
CRL.OP(MD)No.3927 of 2025
05.03.2025

VN (01/04/2025) 7P / 5C

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