



CRL OP(MD). No.4024 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Vijayan @ Vijaya Rajan,
S/o. Durai Rajan,
18/59, Port Street 3,
Kalkulam, Colachel,
Kanyakumari District - 629251.

2. Vikash @ Vihash Rajan,
S/o. Durai Rajan,
18/59, Port Street,
3, Kalkulam, Colachel,
Kanyakumari District. - 629251.

3. Binu @ Bisson Mon P,
S/o. Peter John,
12/17, Thuraimuga
Theru, Colachel,
Kanyakumari District - 629251.

4. Rensen @ Rexson,
S/o. Joseph,
18/27, Port Street 3,
Kalkulam, Colachel,
Kanyakumari District - 629251.



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5. Durai @ Maria Durai Rajan,
S/o. Agustin,
18/59, Port Street 3,
Kalkulam, Colachel,
Kanyakumari District - 629251.

... Petitioners/ Accused

Vs

The State of Tamilnadu,
Rep by the Sub -Inspector of Police,
Colachel Police Station,
Kanyakumari District.
Crime No. 63 / 2025.

... Respondent/ Complainant

For Petitioners : Mr.T.Wins,
Advocate.

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

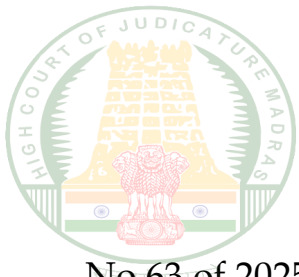
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.63/2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 28.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 296(b), 115(2), 351(3) of BNS, 2023 r/w Section 4 of the Tamil Nadu Prohibition Harassment of Women Act, 2002, in Crime



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No.63 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that on 20.02.2025 at about 10.30 a.m., due to the money dispute pending between the petitioners and the defacto complainant, the petitioners are alleged to have struck down the defacto complainant and attacked him with logs, causing life threatening injuries with dire consequences. They also attacked the sons of the defacto complainant. Hence, the case.

4. Mr.T.Wins, 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 they have been falsely implicated in this case. 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.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 5 accused persons in this case, and the petitioners have been arrayed as A1 to A5. He further submits that the defacto complainant was admitted in hospital on 24.02.2025 and discharged on 25.02.2025, and there is a counter case in Crime No.64 of 2025 and that there are no previous cases against the petitioners. He, however, prays to dismiss this Criminal Original Petition.



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6. Mr.G.Aravinthan, learned counsel appearing for the intervenor strongly objects to the grant of pre-arrest bail to the petitioners.

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

8. It is noticed that the present Crime No.63 of 2025 and Crime No.64 of 2025 are cases in counter. In this case, the defacto complainant and his child were attacked by the petitioners and sustained simple injuries, and they were admitted in hospital on 24.02.2025 and discharged on 25.02.2025.

9. 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 facts that the petitioners have also filed a counter case in Crime No.64 of 2025, that there are no previous cases against the petitioners, and the nature of the offences allegedly committed by 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, Eraniel, 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



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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, Eraniel.

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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 petitioners shall appear and sign before the learned Judicial Magistrate, Eraniel, on all working days at 10.30 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 not, directly or indirectly, cause any threat to the defacto complainant and his family members and witnesses and shall not tamper the evidence.

(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



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to the concerned Magistrate.

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

(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 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/-
04/03/2025

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

SM

TO

1. The Judicial Magistrate,
Eraniel.

2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District.



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3. The Sub -Inspector of Police,
Colachel Police Station,
Kanyakumari District.

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

+1 CC to M/s.M/S.ALAN LEGAL CONSULTANCY, Advocate (SR-2404[I] dated 05/03/2025)

+1 CC to M/s.T.WINS, Advocate (SR-2497[I] dated 06/03/2025)

ORDER
IN

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Date : 04/03/2025

SA/SKN/SAR. /28.03.2025/7P/7C

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