



CRL.OP(MD). No.4102 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Justin @ Arokockiya Justin

2.Suganya @ Jerman Sughanya ... Petitioners/ Accused Nos.1&2
Vs.

The State of Tamil Nadu,
rep. by
The Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No. 59 of 2025

... Respondent / Complainant

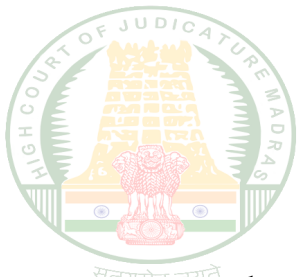
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners on bail in the event of their arrest or surrender in Crime No.59 of 2025.

For Petitioners : Mr.B.Fazil Kirmani
Advocate

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 03.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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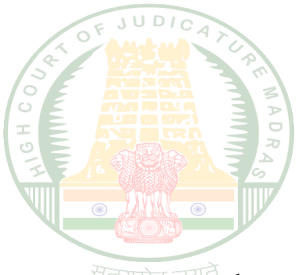
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2. The petitioners/Accused Nos.1 & 2 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 115(2) and 303 (2) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.59 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 12.02.2025, at about 06.00 hours, when the petitioners and defacto complainant were travelling in a Government bus, a wordy quarrel arose between them regarding occupation of seats. At that time, the petitioners and some unknown persons had attacked the defacto complainant and an unknown youngster snatched the golden chain of defacto complainant. Hence, the case.

4. Mr.B.Fazil Kirmani, 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 however 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 the property involved in this crime has been recovered, and that there are no previous cases against the petitioners. He further submits that there is a case in counter registered



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against the defacto complainant in Crime No.60 of 2025. However, he prays to
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dismiss this Criminal Original Petition.

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

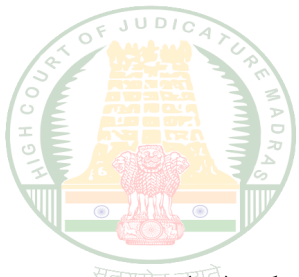
7. The petitioners have permanent residence, and hence, there is less possibility of absconding. Considering the same and considering the facts and circumstances of the case, and the fact that this is a case in counter and taking note of the fact that there are no previous cases against the petitioners, 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 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.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 Court, Uthamapalayam;

(ii) Thereafter, the petitioners shall appear and sign before the respondent-

Police on every Monday and Friday at 10.00 a.m. until further orders;

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(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 Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

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

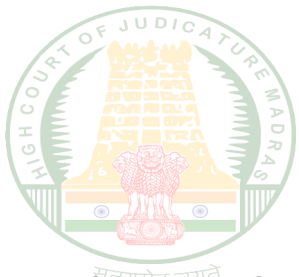
(v) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(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 and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate Court, Uthamapalayam, 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



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Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

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05.03.2025

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

gbg

To

1.The Judicial Magistrate,
Uthamapalayam.

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

3.The Inspector of Police,
Chinnamanur Police Station,
Theni District.

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

+1 CC to M/s.B.FAZIL KIRMANI (SR-24389(I), dated 05/03/2025)



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SL(20.03.2025)/ 6P/ 6C

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