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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4108 of 2025

Sundarapandiyan @ Sundaralingam,
S/o. Manikandan,
Palaiyakappilyapatty Colony,
Kallipatty Post,
Thadikombu,
Dindigul District.

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Crime No. 11 of 2025).

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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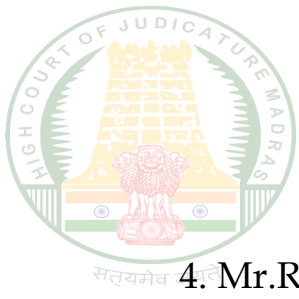
For Anticipatory Bail in Crime No. 11 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.03.2025 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 Section 191(2), 191(3), 296(b), 115(2), 126(2), 118(1), 109(1) and 351(3) of BNS, 2023 r/w. Section 4 of TNPHW Act, 1959 in Crime No.11 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.01.2025, at about 06.00 p.m., due to previous enmity between the petitioner and the defacto complainant, the petitioner along with other accused persons attacked the defacto complainant with sickle and sword, abused him in filthy language, threatened him with dire consequences, and caused injury on his left shoulder and the spine. Hence, the case.



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4. Mr.R.Shankar Ganesh, 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 he 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. Hence, he will not abscond in future. He further submits that the name of the petitioner does not find place in the First Information Report. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the defacto complainant has been admitted in the hospital on 10.01.2025 and discharged on 14.01.2025. He further submits that there is no previous case against the petitioner. He further submits that the alleged weapons have been seized by the respondent-Police. He further submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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7. In view of the offence alleged against the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner may not be required in this case. Further, the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the fact that the petitioner is a first offender, 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, Periyakulam 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, out of which one surety shall be a blood relative, each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Periyakulam;

(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, Periyakulam shall obtain a copy of any one of identity proofs to ensure their identity;



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(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 leave India without the previous permission of the Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Periyakulam;

(viii) The petitioner 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, Periyakulam 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/-
05/03/2025

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

tsg
TO

- 1 THE JUDICIAL MAGISTRATE
PERIYAKULAM.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DEVATHANAPATTI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.SHANKAR GANESH, Advocate (SR-2415[I] dated 05/03/2025)

ORDER IN
CRL OP(MD) No.4108 of 2025
Date :05/03/2025

ES/SKN/SAR/18.03.2025/6P/6C

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