



CRL.OP(MD). No.4438 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4438 of 2025

1.M.Muthu
2.Jeyakumar

... Petitioners/ A1 & A2

Vs.

The State of Tamil Nadu,
rep by the Inspector of Police,
Chinnamanur Police Station,
Theni District.
Crime No.28 of 2025

... Respondent / Complainant

For Petitioner : Ms.B.Bhuvaneshvari

For Respondent : Mr.K.Shaji Bino
Government Advocate (crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.28 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 petitioners on 06.03.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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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), 191(3), 296(b), 118(2) and 351(3) of BNS, 2023, in Crime No.28 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, one of his relatives named Karthick, and their friends used to visit a farm garden belonging to one Chinnasamy to consume alcohol. On 21.01.2025, the defacto complainant and the said Karthick, as usual, went to the spot, consumed alcohol, and were waiting for their friends. At that time, the petitioner and other accused persons arrived there also for consuming alcohol. When the owner of the said farm and Karthick questioned them, the first accused beat Karthick on his leg with a stone. The second accused attacked Karthick on his head with a beer bottle. All the other accused persons attacked Karthick with wooden sticks. When the defacto complainant tried to defend him, the accused persons caused injuries to the defacto complainant. The de facto complainant hide nearby. Thereafter, the first accused poured petrol over Karthick. Upon seeing their friends approaching, the accused persons criminally intimidated them and fled the spot. Thereafter, the said Karthick was admitted in the hospital. Hence, the case.



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4. Mrs.B.Bhuvaneshvari, the learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution and that they have been falsely implicated in this case. She further submits that, in fact, the said Karthick used to sell and consume ganja, and that on the particular day, the petitioners went to the place to consume alcohol. The said Karthick, in an intoxicated condition due to consuming ganja, quarrelled with the petitioners and attacked them with wooden logs with the help of the defacto complainant. Only to save the petitioners, the other accused persons came to the spot. However, the defacto complainant has lodged a false complaint, alleging that the petitioners and their friends attacked the said Karthick. She however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. She therefore prays to grant pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioners and other accused persons attacked the said Karthick severely. He further submits that the injured victim, namely, Karthick was admitted in the hospital on 21.01.2025 and discharged on 26.01.2025 and another victim was treated as an outpatient. He further submits that the petitioners have one previous case. Hence, he prays to dismiss this Criminal



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

7. In this case, there are two victims. One of the victims, namely, Karthick was admitted in the hospital on 21.01.2025 and discharged on 26.01.2025. Another victim was treated as an outpatient. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the nature of the offence levelled against the petitioners, and with a view to give an opportunity to the petitioner to reform himself, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary. Hence, 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, 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, Uthamapalayam.

(ii) The sureties shall affix their photographs and left thumb impression in the



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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 Odaipatti Police Station, daily at 10.00 am., until further orders. The petitioners shall appear before the respondent-police whenever the respondent-police call for interrogation;

(iv) The petitioners shall make themselves available for interrogation by the respondent-police as and when required.

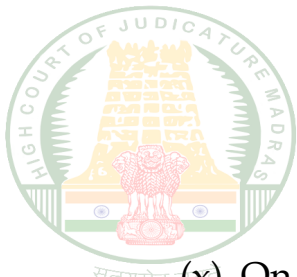
(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and 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 to the concerned Magistrate.

(ix) The petitioners shall not enter into the defacto complainant's residence and the work place;



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(x) On breach of any of the aforementioned conditions, the learned Judicial
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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/-
11/03/2025

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

RMK
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.



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4 THE INSPECTOR OF POLICE
ODAIPATTI POLICE STATION, THENI DISTRICT.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.GANESAN LEGIST LAW FIRM Advocate SR.No.2652[I]dated
12/03/2025 in CRL OP.(MD) 1729 / 2025)

ORDER
IN
CRL OP(MD) No.4438 of 2025
Date :11/03/2025

HPS/SAR / 04.04.2025/7P/7C

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