



CRL.OP(MD). No.4104 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.4104 of 2025

1.Ukkirapandi

2.Kesavan

... petitioners/ A1 & A2

Vs.

The State of Tamil Nadu,
rep., by The Sub-Inspector of Police,
Sinthupatti Police Station,
Usilampatti Taluk, Madurai District.
Crime No.42 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 pre-arrest bail in the event of their arrest in Crime No.42 of 2025 on the file of the respondent-police.

For Petitioners : Mr.S.M.Ramasiva
For Respondent : Mr.S.S.Manoj
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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2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS, 2023, in Crime No.42 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a pathway dispute between the petitioners and the defacto complainant, due to which, on 25.02.2025 at about 08.00 am., the petitioners attacked the defacto complainant with wooden log and knife and thereby, caused injury to him. Hence, the case.

4. Mr.S.M.Ramasiva, 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. He further submits that the petitioners 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that there was a pathway dispute



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between the parties, and that on the particular day, the petitioners attacked the defacto complainant and caused injury to him. He further submits that the defacto complainant was admitted in the hospital on 25.02.2025 and discharge on 27.02.2025. He further submits that if pre-arrest bail is granted to the petitioners, they cause threat to the defacto complainant. Hence, he prays for dismissal of this petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. In view of the nature of the dispute i.e., pathway dispute, between the petitioners and the defacto complainant, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary. Considering the same, and also considering the facts and circumstances of the case and the fact that the defacto complainant was discharged from the hospital, 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



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or in the event of their surrender before the learned Judicial Magistrate, Thirumangalam, 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, Thirumangalam.

(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 first petitioner shall appear and sign before the respondent- police, daily at 10.00 am., until further orders. The second petitioner shall appear before the respondent-police weekly twice i.e., on every Saturday and Sunday at 10.00 am., 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.



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(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 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/-

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Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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RMK

TO

1 THE JUDICIAL MAGISTRATE
THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI.

3 THE SUB INSPECTOR OF POLICE,
SINTHUPATTI POLICE STATION, USILAMPATTI TALUK,
MADURAI

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

+1 CC to M/s.S.M.RAMASIVA, Advocate (SR-2669[I] dated 12/03/2025)

ORDER

IN

CRL OP(MD) No.4104 of 2025

Date :11/03/2025

SS/VR/SAR- /24/03/2025/ 6P/6C

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