

CRL OP(MD). No.4225 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 06.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.4225 of 2025

1. Anand,

2. Mahesh,

3. Nishanth,

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.135 of 2025

... Respondent/Complainant

For Petitioners : Mr.M.R.Sreenivasan.,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.135 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 04.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



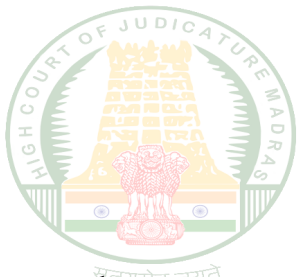
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2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 118(1) and 351(3) of BNS, 2023, in Crime No.135 of 2025 on the file of the respondent police.

3. The case of the prosecution is that the defacto complainant viz., Rajesh is engaged in the business of making advertising board and his shop is located at Sangai, Marthandam. On 26.02.2025, when he was working at the above said shop, Accused No.2 called the defacto complainant over phone and asked him to come to Kalluthoti for taking measurements for the advertisement board. When the defacto complainant reached the spot, Accused No.1 abused the defacto complainant by using filthy language and attacked him by iron ring over the head of the defacto complainant. At that time, Accused Nos.2 and 3 also attacked the defacto complainant by using stone, stick, and iron rod and caused injury to him. All the accused persons criminally intimidated him and thereafter fled away from the spot. The defacto complainant was admitted in the hospital where the respondent-Police recorded the statement of the defacto complainant. Hence, the complaint.

4. Mr.M.R.Sreenivasan, 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, infact, the defacto complainant teased the son of the first petitioner, by calling him as a trans-gender and therefore,



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the petitioners went to the place of the defacto complainant and warned him not to repeat the same thing again. Due to same, the defacto complainant lodged a false complaint against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant 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 are no previous cases pending against the petitioners. He further submits that the defacto complainant has been admitted in the hospital on 26.02.2025 and discharged on 01.03.2025. He further submits that if pre-arrest bail is granted to the petitioners, they will commit similar offences again and abscond in future. Hence, he opposes to grant pre-arrest bail to the petitioner.

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

7. The petitioners have 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 petitioners are first offenders 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 pre-arrest bail in the event of their



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arrest or in the event of their surrender before the learned Judicial Magistrate I, Kuzhithurai, 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 I, Kuzhithurai;

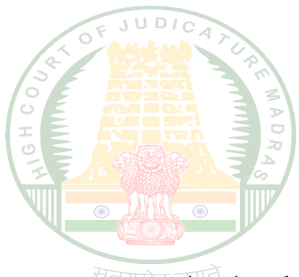
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate I, Kuzhithurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall appear and sign before the respondent-Police daily at 10.00 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 leave India without the previous permission of the Court;



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(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate I, Kuzhithurai;

(viii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper with the evidence, and shall also not try to contact the defacto complainant and his family members either directly or through any electronic mode; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Kuzhithurai 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].

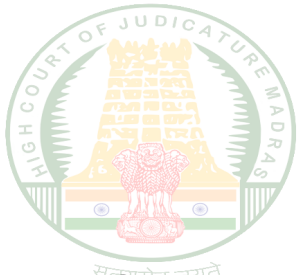
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
07.03.2025

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

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TO
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- 1.The Judicial Magistrate I,
Kuzhithurai.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.R.SREENIVASAAN, Advocate (SR-2530[I] dated 07/03/2025)

ORDER

IN

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Date : 06.03.2025

SL(21.03.2025)/ 6P/ 6C

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