



CRL.OP(MD). No.4173 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4173 of 2025

Nagore

... Petitioner/ Accused Rank
Not Known

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
Crime No.52 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 petitioner /accused rank not known on pre-arrest bail in the event of his arrest in Crime No.52 of 2025 pending investigation on the file of the respondent Mamsapuram Police Station, Virudhunagar District.

For Petitioner : Mr.P.Bala Murugan

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

For Defacto
complainant : Mr.K.Rajiv Gandhi

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.03.2025



CRL.OP(MD). No.4173 of 2025

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 petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Section 296(b), 118(1) and 351(3) of BNS, 2023, and Section 4 of TNPHW Act, 2002, in Crime No.52 of 2025 on the file of the respondent- police.

3. The case of the prosecution is that there was water irrigation dispute between the petitioner and the defacto complainant, due to which, on 27.02.2025, the petitioner assaulted the defacto complainant, thereby, caused injury to him and threatened him with dire consequences. Hence, the complaint.

4. Mr.P.Bala Murugan, 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. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the petitioner and the defacto complainant are adjacent land owners. There is a dispute in respect of irrigation of



CRL.OP(MD). No.4173 of 2025

WEB COPY

water to their respective lands. The defacto complainant was admitted in the hospital on 27.02.2025 and discharged from the hospital on 10.03.2025. He further submits that this is a case in counter. Accordingly, he prayed to dismiss the pre-arrest bail.

6. The learned counsel appearing for the defacto complainant argued in the line of the learned Government Advocate.

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

8. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same, in view of the nature of the injury, considering the facts and circumstances of the case, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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 No.II, Srivilliputtur, Virudhunagar District, 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) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial



CRL.OP(MD). No.4173 of 2025

Magistrate No.II, Srivilliputtur, Virudhunagar District.

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(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 petitioner shall stay at Madurai and sign before the Thallakularm Police Station, daily at 10.00 am., and 05.00 pm., until further orders.

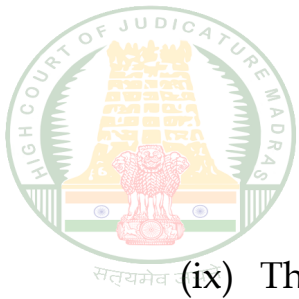
(iv) The petitioner make himself available for interrogation by a police officer as and when required.

(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, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner should not enter into Idaiyankulam Village, until further orders.

(viii) The petitioner shall not leave India without the previous permission of the Court.



CRL.OP(MD). No.4173 of 2025

WEB COPY

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(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 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].

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

sd/-
17/03/2025

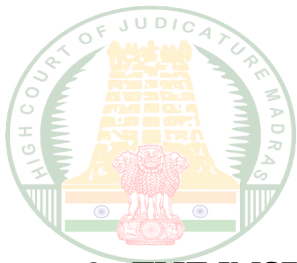
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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK
TO

1 THE JUDICIAL MAGISTRATE NO II
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



CRL.OP(MD). No.4173 of 2025

3 THE INSPECTOR OF POLICE,
MAMSAPURAM POLICE STATION,
VIRUDHUNAGAR DISTRICT.

4 THE INSPECTOR OF POLICE
THALLAKULAM POLICE STATION,
MADURAI.

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

+1 CC to M/s.P.BALAMURUGAN, Advocate (SR-3079[I] dated 19/03/2025)

ORDER
IN

CRL OP(MD) No.4173 of 2025

Date :17/03/2025

HPS/SAR / 04.04.2025/6P/7C

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