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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5135 of 2025

1. A.Kubibalan

2. Chandrika

... Petitioners/ A1 and A2

Vs

1. The State of Tamil Nadu,,
Rep by the Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.
Crime No.215/2023..

2. B.Bhaktha Singh

... Respondents/ Complainants

For Petitioners : Mr.Aayiramk.Selvakumar,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 215 of 2023 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 18.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



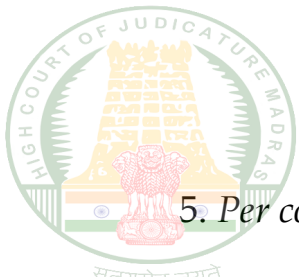
to grant an order of pre-arrest bail.

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2. The petitioners / A1 and A2 apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 341, 147, 148, 294(b), 323, 324 and 506(2) of Indian Penal Code, 1860 in Crime No.215 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that due to prior enmity with regard to property dispute, on 24.08.2023, while the defacto complainant was drawing water from well near his house, the petitioners herein and other accused persons waylaid the defacto complainant and attacked him with knife and thereby, caused injuries and threatened with dire consequences. Hence, the case.

4. Mr.Aayiram K. Selvakumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submits that it is a second anticipatory bail petition and the earlier petition filed by the petitioners was dismissed by this Court vide order, dated 02.01.2024 in Crl.O.P(MD).No.16333 of 2023 by observing that the matter was settled between the parties before the Mediation. However, the respondent- police is trying to arrest the petitioners in the said crime number and hence, the petitioners have a reasonable apprehension of arrest at the hands of the respondent – Police. 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.



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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the occurrence took place in the year, 2023. He further submits that the petitioners and the defacto complainant are neighbours and having some property dispute. He further submits that there are 3 previous cases pending against the first petitioner and the 2nd petitioner is not having any previous case. He further submits that the investigation of the case is pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of offence alleged against the petitioners and taking note of the fact that there was an existing property dispute between the parties and that the occurrence took place in the year, 2023 and also 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 or in the event of their surrender before the learned Judicial Magistrate, Valliyoor, Thirunelveli 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) 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, Valliyoor, Thirunelveli District. After recording the satisfaction, the learned Judicial Magistrate, Valliyoor, Thirunelveli District shall forward the surety to the Judicial Magistrate No.II, Kuzhithurai, Kanniyakumari District.

(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, Valliyoor, Thirunelveli District 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 weekly twice ie., on every Monday and Friday 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.

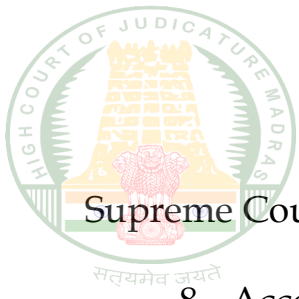
(vi) The petitioners shall also not directly or indirectly cause any threat to the defacto complainant and witnesses and tamper with evidence.

(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 learned Judicial Magistrate, Valliyoor, Thirunelveli District.

(ix) The petitioners shall not enter into the defacto complainant's house or his work place.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Valliyoor, Thirunelveli District 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]*.

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

Sd/-

20.03.2025

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/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KUZHITHURAI, KANNIYAKUMARI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE, PUTHUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

- 1 THE JUDICIAL MAGISTRATE, VALLIYOOR.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

ORDER
IN

CRL OP(MD) No.5135 of 2025
Date :20/03/2025

RS (17/04/2025) 5P/ 7C

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