



CRL.OP(MD). No.4421 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

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A.Perumal

... Petitioner/Sole Accused

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Mamsapuram Police Station,
Virudhunagar District.
Crime No.51 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 /Sole accused on pre-arrest bail in the event of his arrest in Crime No.51 of 2025 pending investigation on the file of the respondent- Mamsapuram Police Station, Virudhunagar District.

For Petitioner : Mr.K.Rajiv Gandhi

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner 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 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** in Crime No.51 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a prior enmity between the petitioner and the defacto complainant regarding the leasehold enjoyment of ½ acres of nanjai land. In continuation of this dispute, on 27.02.2025, at about 08.30 am., wordy quarrel arose between the petitioner and the defacto complainant, at that time, the petitioner assaulted the defacto complainant and caused injury. Hence, the complaint.

4. Mr.K.Rajiv Gandhi, 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 however 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 this is a case in counter.



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There was a dispute between the parties with respect to irrigation of water to their respective lands. Due to which, they have attacked each other and caused injury. Accordingly, he prayed to dismiss the pre-arrest bail petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same, in view of the nature of the allegation levelled against the petitioner, considering the facts and circumstances of the case, and with a view to give an 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 **(**)Additional Mahila Court, 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 **(**)Additional Mahila Court, Srivilliputtur, Virudhunagar**

(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



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Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of
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identity proofs to ensure their identity.

(iii) The petitioner shall stay at Sivakasi and sign before the Sivakasi Town Police Station, daily at 10.00 am., and 05.00 pm., until further orders.

(iv) The petitioner shall 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.

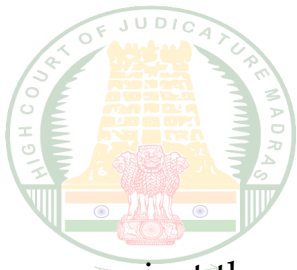
(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(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.

(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



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against the petitioner in accordance with law as if the aforementioned conditions are
WEB COPY 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/-
17/03/2025

(*)(**)Corrected as per Order of this Hon'ble Court dated 22.04.2025 in CRL MP(MD)No.5246 of 2025 in CRL OP(MD).No.4421 of 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 BE SUBSTITUTED WITH THE ORDER DATED 17.03.2025 IS ALREADY
DISPATCHED.

TO

1 THE JUDICIAL MAGISTRATE NO II
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.

2 THE ADDITIONAL MAHILA COURT, SRIVILIPUTTUR,
VIRUDHUNAGAR DISTRICT.

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



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

5 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION, SIVAKASI.

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

ORDER
IN
CRL OP(MD) No.4421 of 2025
Date :17/03/2025

HPS/SAR / 04.04.2025/6P/6C
TRP

PP/SAR. /25.04.2025/6P/7C

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