



CRL.OP(MD). No.4314 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4314 of 2025

Shaju @ Saju

... Petitioner/ A1

Vs.

The State of Tamil Nadu,
rep., by The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.140 of 2025

... Respondent / Complainant

For Petitioner : Mr.N.Edwin Jeyakumar
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)

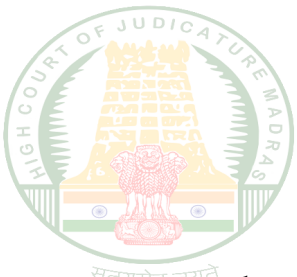
PETITION FOR ANTICIPATORY BAIL Under Section 482 of BNSS

PRAYER: For pre-arrest bail in Crime No.140 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 petitioner on 05.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

<https://www.mhc.tn.gov.in/judis>



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2. The petitioner apprehends 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.140 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that 15 years ago, the defacto complainant had given an amount of Rs.20,000/- to his brother, namely the petitioner herein for medical purpose. When the defacto complainant asked to return the same, the petitioner quarreled with him. Due to the same, on 23.02.2025, at about 12.30 pm., when the defacto complainant was standing near shop, the petitioner suddenly came there and abused the defacto complainant in filthy language. The petitioner also attacked the defacto complainant using iron rod, thereby causing grievous injury to the defacto complainant. The defacto complainant was admitted in the hospital. Hence, the complaint.

4. Mr.N.Edwin Jeyakumar, the 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 to 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

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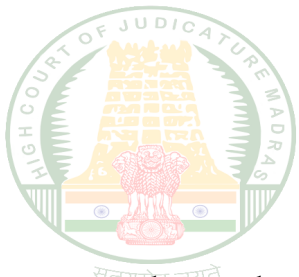
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(Criminal Side) appearing for the respondent-police, submits that the petitioner and the defacto complainant are brothers. Due to some dispute between them, the petitioner attacked the defacto complainant with iron rod and caused injury in knees, thighs, back and head. The defacto complainant was admitted in the hospital on 23.02.2025 and was discharged on the same day. He further submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant. He strongly 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. Hence, there is less possibility of absconding. In view of offence alleged against the petitioner and the close relationship between the petitioner and the defacto complainant, this Court is of the opinion that custodial interrogation of the petitioner is not necessary. Considering the same, and also considering facts and circumstances of the case, 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 Judicial Magistrate No.I, Kuzhithurai, within a period of 15 days from the date on which the order copy is



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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 Magistrate No.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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent- police, weekly twice i.e., on every Monday and Friday at 10.00 am., until further orders.

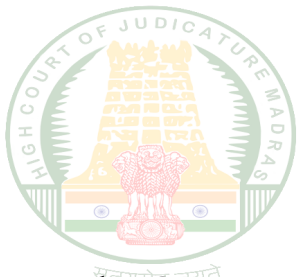
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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, his family members and witnesses and shall not tamper the evidence.

(vii) The petitioners shall not leave India without the previous permission of

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the Court.
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(viii) The petitioners shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) The petitioners shall not enter into the defacto complainant's residence and workplace and shall also no try to contact the defacto complainant either directly or through any electronic mode.

(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].

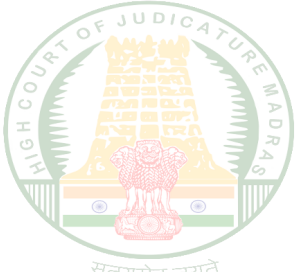
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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07.03.2025

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

Rmk



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To
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- 1.The Judicial Magistrate NO.I,
Kuzhithurai.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Srivilliputhur
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.4314 of 2025
07.03.2025

SL(21.03.2025)/ 6P/ 5C

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