



CRL OP(MD). No.4334 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4334 of 2025

Ali (ice) @ Syed Ali.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Cr. No.113 of 2025.

... Respondent/Complainant

For Petitioner : Mr.T.Wins

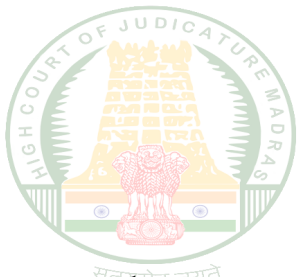
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.113 of 2025 on the file of the respondent-

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



Police.
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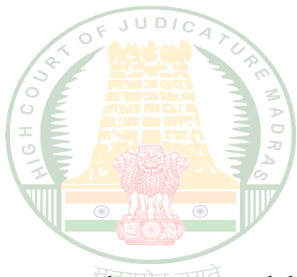
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 05.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 115(2), 118(1), 324(4), 351(3) and 3(5) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.113 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 03.02.2025, at about 9.30 p.m., when the defacto complainant was standing on the road near Adappuvilai, due to intoxication, the petitioner/A1 chased away the kids. On seeing the same, the defacto complainant questioned the petitioner/A1. The petitioner/A1 attacked the defacto complainant with hands. While the defacto complainant was informing the same to his brother, A2 threw out his phone on the road. After his brother reached the spot with ambulance, A2 stabbed the defacto complainant with knife and A3



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also caused life threat by showing knife. Hence, this case.

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4. Mr.T.Wins, the learned counsel appearing 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 co-accused persons/ A2 and A3 were arrested and released on bail. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner and other accused persons, under the influence of alcohol, attacked the defacto complainant and stabbed him with knife. He further submits that the defacto complainant was admitted in hospital on 04.02.2025 and discharged on 08.02.2025. He further submits that the petitioner has no previous case. He however submits that if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

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



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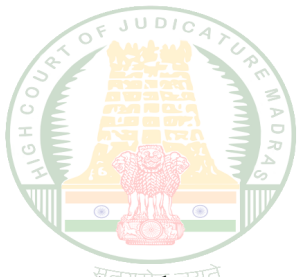
7. Totally, there are three accused persons in this case. The petitioner attacked the defacto complainant with his hands. The injured was admitted in hospital on 04.02.2025 and discharged on 08.02.2025. The petitioner has no previous case. Considering the same, and also considering the facts and circumstances of the case, the overt-act of the petitioner and the fact that the petitioner is a first offender, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Padmanabhapuram, 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 Magistrate No.I, Padmanabhapuram;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the

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



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.I, Padmanabhapuram shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Padmanabhapuram;

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

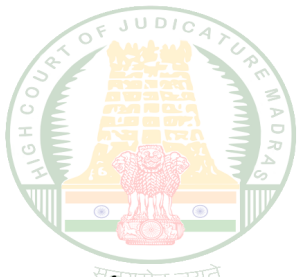
(vi) The petitioner shall not enter into the house or workplace of the defacto complainant;

(vii) 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;

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

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Padmanabhapuram, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the



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

APD

TO

1. The Judicial Magistrate No.I, Padmanabhapuram.
2. Do-Through The Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
3. The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District at Nagercoil.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/S. T. WINS (SR- 2560 [F] dated 07/03/2025)

ORDER
IN
CRL OP(MD) No.4334 of 2025

Date : 07/03/2025

VN (01/04/2025) 7P / 6C

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