



CRL.OP(MD). No.4412 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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- 1.Chinaiah @ Chinnaiyan
- 2.Abimani
- 3.Ajithkumar
- 4.Satheesh
- 5.Karthick
- 6.Balasubramaniyan

... Petitioners/ A1 to A3&
A5 to A7

Vs.

The State of Tamil Nadu,
rep by the Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
Crime No.46 of 2025

... Respondent / Complainant

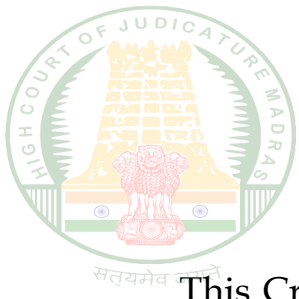
For Petitioners : Mr.D.Rameshkumar

For Respondent : Mr.S.S.Manoj
Government Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.46 of 2025 on the file of the respondent-Police.
ORDER : The Court made the following order :-



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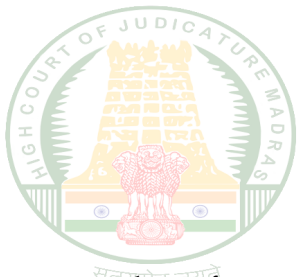
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This Criminal Original Petition has been filed by the petitioners on 06.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1), 324(4) and 351 (3) of BNS, 2023, in Crime No.46 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a pathway dispute between the petitioners' family members and the defacto complainant's family members. Due to that enmity, the accused persons formed into an unlawful assembly with wooden log, assaulted the defacto complainant and threatened him with dire consequences. Hence, the case.

4. Mr.D.Rameshkumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. 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



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order of pre-arrest bail to the petitioners.

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5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate appearing for the respondent-police submits that in this case, there are totally 8 accused persons, and that A8 was arrested and released on bail. He further submits that there was a pathway dispute between the parties, due to which, all the accused persons went to the defacto complainant's house at about 11.30 pm., and attacked him and that the defacto complainant was admitted in the hospital on 23.02.2025 and discharged from the hospital on 28.02.2025. He further submits that A1, A3 and A7 have one previous case, A5 and A6 have no previous case, and A2 has two previous cases. He further submits that pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and his family members. Hence, he prays for dismissal of this petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. In view of the nature of the dispute i.e., pathway dispute, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary. Considering the same, and also considering the



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facts and circumstances of the case and the fact that the defacto complainant was discharged from the hospital, and 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 District Munsif cum Judicial Magistrate, Gandharvakottai, Pudukkottai 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Gandharvakottai, Pudukkottai 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 District Munsif cum Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall stay at Thanjavur and sign before the Taluk Police Station, Thanjavur, daily at 10.00 am., and 05.00 pm., until further orders.



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

(ix) The petitioners shall not enter into the defacto complainant's residence, and his work place;

(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 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*.

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11/03/2025

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

Rmk

To

- 1.The District Munsif cum Judicial Magistrate, Gandharvakottai,
Pudukkottai District.
2. Do through the Chief Judicial Magistrate,
Pudukkottai District.
- 3.The Inspector of Police,
Gandharvakottai Police Station,
Pudukkottai District.
- 4.The Inspector of Police,
Taluk Police Station, Thanjavur.

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5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.4412 of 2025
11.03.2025

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

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