



CRL OP(MD). No.4528 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4528 of 2025

1. J Ahil Rose,
S/o. Joseph Rosary
House No.8/50, South Street,
Karankadu,
Kalkulam,
Kanyakumari District.

2. Vijin,
S/o. Vincent Depaul Anto,
D.No.8-90L, West Street,
Karankadu, Kalkulam,
Kanyakumari District.

3. Sajin,
S/o. Alosiyas Dennis,
House No.8-85, South Street,
Karankadu, Kalkulam,
Kanyakumari District.

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Eraniel Police Station,
Kanyakumari District.

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



CRL OP(MD). No.4528 of 2025

Crime No. 146 of 2025.

WEB COPY

... Respondent/Complainant

For Petitioners : Mr.Althaf Sheriff.K,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.146 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 petitioners on 07.03.2025 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 296(b), 115(2), 126(2) 351(2) and 303(2) of BNS, 2023 in Crime No.146 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 04.02.2025, at about 07.45 p.m., the petitioners, in an inebriated state, came in front of R.C. Church, Karankadu, picked up a quarrel with the defacto complainant, and attacked him severely. At that time, the first petitioner snatched the chain of the defacto complainant, and thereafter, the second petitioner handed over the same to him, albeit with a portion of the chain

missing. Hence, the case.

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



CRL OP(MD). No.4528 of 2025

WEB COPY

4. Mr.K.Althaf Sheriff, 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 and they 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. He further submits that after the lapse of twenty days from the date of occurrence, this present complaint has been lodged before the respondent-Police. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally three accused persons in this case. He further submits that the defacto complainant sustained simple injury. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding 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



CRL OP(MD). No.4528 of 2025

the petitioners subject to the following conditions:

WEB COPY

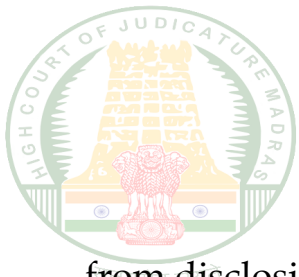
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Eraniel, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees 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, Eraniel;

(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, Eraniel shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The first petitioner shall appear and sign before the respondent-police weekly once (i.e., on Sunday) at 10.30 a.m., until further orders and the petitioner Nos.2 and 3 shall appear and sign before the respondent-Police daily at 10.30 a.m., 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



CRL OP(MD). No.4528 of 2025

from disclosing such facts to the Court or to any police officer.

WEB COPY

(vi) The petitioner shall not, directly or indirectly cause threat to the defacto complainant and the 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 learned Judicial Magistrate, Eraniel.

(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, Eraniel 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].



CRL OP(MD). No.4528 of 2025

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

WEB COPY

sd/-
14/03/2025

/ TRUE COPY /

/04/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1 THE JUDICIAL MAGISTRATE
ERANIEL.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT @ NAGERCOIL.

3 THE INSPECTOR OF POLICE
ERANIEL POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4528 of 2025
Date :14/03/2025

HPS/SAR / 02.04.2025/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.