



CRL OP(MD). No.4527 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Malaisamy

... Petitioner/ A2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Nagamalai Pudukottai Police Station,
Madurai.
Crime No.57 of 2025.

... Respondent/Complainant

For Petitioner : Mr.M. Murugesan
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-31AB. For Anticipatory Bail in Crime No.57 of 2025 on the file of the Respondent Police.



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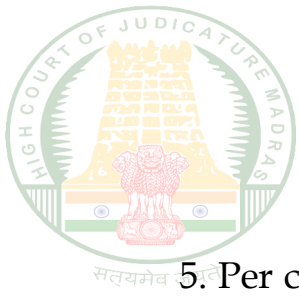
ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner 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 petitioner / Accused No.2 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 in Crime No.57 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that there was a property dispute between the parties and due to a dispute with regard to sharing of the water from the common Well, on 13.02.2025, at about 9.00 am. When the defacto complainant was working in his agricultural field, both the petitioner and other accused went there, and the A1 assaulted the defacto complainant with his hands, and the petitioner herein / A2 attacked him with Aruval, thereby, causing injuries. Hence, the case.

4. Mr.M.Murugesan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has been falsely implicated in this case. He, however, he submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.S.S. Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioner, and that the injured has already been discharged from the hospital. He further submits that the investigation of the case is still pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may commit similar offence and cause threat to the defacto complainant and the witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the materials available on record.

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case and the fact that both the petitioner and the defacto complainant and relatives and that the injured was discharged from the hospital, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.VI, Madurai,



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within a period of 15 days from the date on which the order copy is made ready, on
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executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only)
along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five
Thousand only) to the satisfaction of the Judicial Magistrate No.VI, Madurai.

(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.

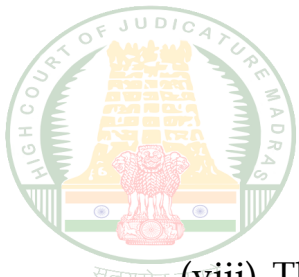
(iii) The petitioner shall appear and sign before the respondent-police daily at
10.00 a.m., until further orders;

(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 leave India without the previous permission of the
Court.

(vii) The petitioner shall furnish his residential address and mobile number to
the concerned Magistrate.



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(viii) The petitioner shall not directly or indirectly cause threat to the defacto complainant and her family members and tamper with the evidence.

(ix) 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.

sd/-
11/03/2025

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

trp
TO

1 THE JUDICIAL MAGISTRATE NO VI
MADURAI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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3 THE INSPECTOR OF POLICE,
NAGAMALAI PUDUKOTTAI POLICE STATION,
MADURAI.

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

ORDER
IN
CRL OP(MD) No.4527 of 2025
Date :11/03/2025

HPS/SAR / 26.03.2025/6P/5C

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