



CRL OP(MD). No.4522 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4522 of 2025

1.Hakkim Raja

2.Habbib Rahuman

3.Navaskhan

4.Sulaiman

... Petitioners/ Accused Nos.1 to 4

Vs

The Inspector of Police,
Palani Taluk Police Station,
Dindigul.

Cr. No.62 of 2025.

... Respondent/Complainant

For Petitioners : Ms.A.Charumathi

for Mr.T.Ramasamy

For Respondent : Mr.S.S.Manoj,

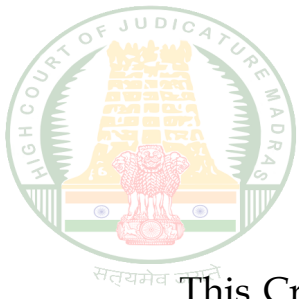
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.62 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-



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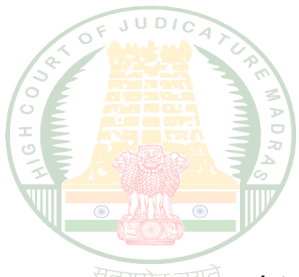
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This Criminal Original Petition has been filed by the petitioners on 07.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused Nos.1 to 4 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 191(2), 296(b), 115(2), 132, 351(2) & 303(2) of Bharatiya Nyaya Sanhita, 2023, in Crime No.62 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that as per this Court order in W.M.P.(MD) No.19428 of 2024, dated 26.09.2024 and based on the letter dated 31.01.2025, on 05.03.2025, at about 2.00 p.m., when the defacto complainant, the Executive Officer, Balasamudram Panchayat, Palani, attempted to erect the electric post in the land, comprised in survey No.802/1, situated at Balasamudram Municipality, Palani, where the weekly market held, the petitioners prevented the defacto complainant and others from doing their function as a Government servant, abused in filthy language, caused threat to the defacto complainant and snatched his cellphone. Hence, this case.

4. Ms.A.Charumathi, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not prevented the petitioner as alleged by the prosecution. She further submits that the first



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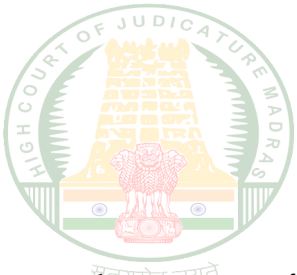
petitioner/ A1 filed a Writ Petition in W.P.(MD) No.26930 of 2024 against the defacto
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complainant, due to which contempt notice was issued to the defacto complainant. Hence, with a view to bend the petitioners, the defacto complainant has falsely given the complaint against them, due to which the respondent-police is searching the petitioners. Therefore, the petitioners have reasonable apprehension of arrest at the hands of the respondent-police. 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 said Writ Petition and the order passed therein are no way relevant to this case. He further submits that the defacto complainant and others were prevented by the petitioners and the A1 snatched the defacto complainant's cellphone and the same was recovered from A1. He further submits that the petitioners have one previous case. He further submits that if pre-arrest bail is granted to the petitioners, they 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.

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. No one was injured in this incident. The petitioners have one previous case. Considering the same and also considering



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the nature of offence allegedly committed by the petitioners, with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

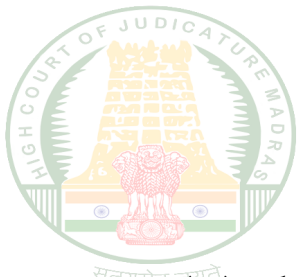
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Palani, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Judicial Magistrate, Palani;

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

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Palani;

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

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



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(vi) 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;

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

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Palani, 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].

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

sd/-
19.03.2025

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



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APD

TO

1. The Judicial Magistrate, Palani.
 2. Do-Through The Chief Judicial Magistrate,
Palani District.
 3. The Inspector of Police,
Palani Taluk Police Station,
Dindigul.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.RAMASAMY, Advocate (SR-3232[I] dated 21/03/2025)

ORDER

IN

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Date : 19/03/2025

SL(04.04.2025)/ 6P/ 6C

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