



CRL OP(MD). No.4616 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4616 of 2025

and

CRL MP(MD) No.3679 of 2025

1.Kannan
2.Sakthivel
3.Manoharan

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kattuputhur Police Station,
Trichy.
Crime No.52 of 2025

... Respondent/ Complainant

For Petitioner : Mr.V.Vishnu

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

For Intervenor : Mr.M.Yesudasan

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-



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For pre-arrest bail in Crime No.52 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 10.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused Nos.1 to 3 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 118(1) and 351 (3) of the Bharatiya Nyaya Sanhita (BNS) 2023 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.52 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 06.03.2025, during the temple festival, due to previous enmity, the petitioners entered into the land of the defacto complainant. A1 pulled the hair of the defacto complainant, attacked him and caused injury in his left elbow. A2 attacked him with hands. Hence, the case and the counter case has been registered.



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4. Mr.V.Vishnu, the learned counsel appearing 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 defacto complainant and the petitioners are relatives and due to the dispute over the property among them, the petitioners have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that totally four persons were injured. All the injured were admitted in the hospital on 07.03.2025 out of which three persons were discharged from the hospital on 08.03.2025 and one person was discharged on 14.03.2025. He further submits that the petitioners have no previous cases. He further submits that if pre-arrest bail is granted, the petitioners may indulge similar type of offence and may threaten the defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

6. Mr.M.Yesudasan, learned counsel for the intervener submits that when the defacto complainant was residing at home, the accused persons had come to the



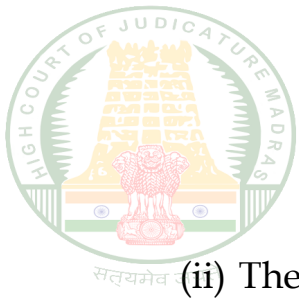
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house and asked electricity connections and same was objected by defacto complainant for which accused assaulted him and his family members. Accordingly, he prays to dismiss this Criminal Original Petition.

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

8. The petitioners have no previous case. The injured were discharged from the hospital. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and considering the facts that the petitioners and the defacto-complainant are relatives and residing at same locality and this is a case in counter, and with a view to give an 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, Thottiam, 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, Thottiam;



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(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, Thottiam 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, Thottiam;

(iv) Thereafter, the petitioners shall stay at Perambalur and appear and sign before the Perambalur Police Station, Perambalur daily at 10.00 a.m. and 5.00 p.m., until further orders;

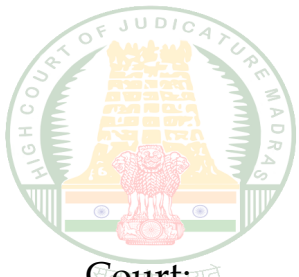
(v) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(vi) The petitioners shall not contact the defacto complainant and his family members directly or through electronic mode;

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

(viii) 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;

(ix) The petitioners shall not leave India without previous permission of the



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Court; अदे

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(x) 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, Thottiam, 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].

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra. Consequently, connected miscellaneous petition is closed.

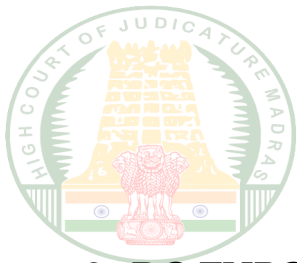
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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO

1 THE JUDICIAL MAGISTRATE
THOTTIAM.



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2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE
PERAMBALUR POLICE STATION,
PERAMBALUR.

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

ORDER
IN
CRL OP(MD) No.4616 of 2025
Date :24/03/2025

HPS/SAR / 23.04.2025/7P/6C

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