



CRL OP(MD). No.4801 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Rajkumar
2.Raghul
3.Palani Kumar
4.Gopinath
5.Ram Prasannah

... Petitioners/ Accused Rank Not Known

Vs

The State Represented by, its
Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.58 of 2025

... Respondent/ Complainant

For Petitioners : Mr.S.Vidhya Sagar

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :

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



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For Anticipatory Bail in Crime No.58 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 12.03.2025 under Section 482 of 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), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.58 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.03.2025, at about 09.20 p.m., since the defacto complainant banged his two wheeler against the two wheeler ridden by one of the accused persons, a wordy quarrel ensued between the accused persons and the defacto complainant, due to which all the accused persons abused the defacto complainant and his friend in filthy language, attacked them, causing injuries, and threatened them with dire consequences. Hence, the case.

4. Mr.S.Vidhya Sagar, learned counsel appearing for the petitioners, submits that the petitioners did not commit any offence as alleged by the prosecution, and



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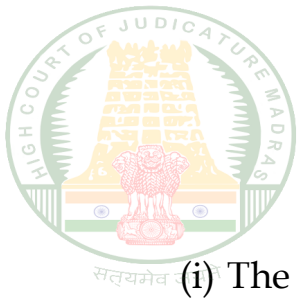
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they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that there are 9 named accused persons and 15 unnamed accused persons in this case. He further submits that the defacto complainant sustained simple injuries and was treated as an outpatient. He however submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. It is stated that the defacto complainant sustained simple injuries and he was treated as an outpatient. The petitioners have permanent residence and deep roots in the Society, and therefore, there is less possibility of absconding. Considering the same, and also considering the nature of the offences allegedly committed by the petitioners, and taking note of the fact that except Section 118(1) of Bharatiya Nyaya Sanhita (BNS), 2023, all the other offences are bailable in nature, 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:



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(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, Uthamapalayam, Theni 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.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, Uthamapalayam, Theni 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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

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

(vi) Thereafter, the petitioners shall appear and sign before the learned Judicial



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Magistrate, Uthamapalayam, Theni District on all working days at 10.30 a.m. until
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further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni District;

(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, concerned 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 them 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/-
14/03/2025

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



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TO
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1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.S.VIDHYASAGAR, Advocate (SR-2857[I] dated 14/03/2025)

ORDER
IN
CRL OP(MD) No.4801 of 2025
Date :14/03/2025

HPS/SAR / 01.04.2025/6P/6C

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