



CRL.OP(MD). No.4810 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Muthaiah
2.Ranjithikumar
3.Murugan
4.Illakiya
5.Yamuna Devi

... Petitioners/ A1 to A5

Vs.

State rep., by
The Inspector of Police,
G.Vilakku Police Station,
Theni District.
Crime No.49 of 2025

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.49 of 2025 on the file of the respondent-police.

For Petitioners : Mr.M.Prabu
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

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 the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 191(2), 191(3), 115(2), 118(1), 125 and 351(3) of BNS Act, 2023 and Section 4 of TNPWH Act, 2002, in Crime No.49 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners are using drinking water to irrigate their agricultural fields, which was objected by the defacto complainant. Due to that enmity, on 10.03.2025, at about 11.00 am., the petitioners threatened and attacked the defacto complainant and his brother and sister. Hence, the case.

4. Mr.M.Prabu, 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. He further submits that the petitioners 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. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (crl.side) appearing for the respondent-police submits that there was a dispute between the parties with regard to converting the drinking water into irrigation purpose, due to which the petitioners assaulted the defacto complainant and caused head injury. He



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further submits that the defacto complainant was admitted in the hospital on 10.03.2025 and discharged from the hospital on 12.03.2025. He further submits that the petitioners have no previous case and this is a case in counter. He further submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and his brother and sister. Hence, he prays for dismissal of this petition.

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

7. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence allegedly committed by the petitioners 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. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(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, Aundipatti, Theni District, within a period of 15 days from 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, Aundipatti,



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Theni District.

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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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent police, weekly thrice i.e., on every Monday, Wednesday and Friday at 10.00 am., until further orders.

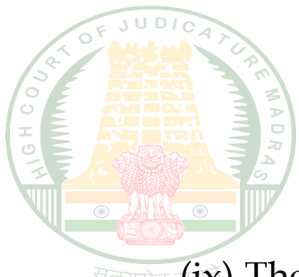
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

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

(vi) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and 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 concerned Magistrate.



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(ix) The petitioners shall not enter into the residence of the defacto complainant or his work place.

(x) 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 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/-
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.

RMK
TO

1 THE JUDICIAL MAGISTRATE
AUNDIPATTI, THENI DISTRICT.

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



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3 THE INSPECTOR OF POLICE,
G.VILAKKU POLICE STATION,
THENI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4810 of 2025
Date :14/03/2025

HPS/SAR / 04.04.2025/6P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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