



CRL OP(MD). No.4901 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Alagar
2.Subbulakshmi
3.Chinnamuthu
4.(*)Periyamuthu @ Marimuthu
5.Nathiya
6.Sarathkumar

... Petitioners/ Accused Nos.1 to 6

Vs.

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No.41 of 2025

... Respondent/Complainant

For Petitioners : Mr.Kannan Gurusami

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

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

PRAYER :-

For Anticipatory Bail in Crime No.41 of 2025 on the file of the respondent-police.



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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 13.03.2025 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(1), 191(2), 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.41 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to previous property dispute between the petitioners and defacto complainant family, on 01.03.2025, at about 10.30 a.m., while the defacto complainant, her husband and her father were talking in front of their house, the petitioners attacked them, striking the defacto complainant on the head with a coconut log and abused them with filthy language and threatened them with dire consequences. Hence, the case.

4. Mr.Kannan Gurusami, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against them. 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.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that A1 is the Uncle of the defacto complainant. He further submits that the injured person sustained injuries in head and left hand and was admitted in the hospital on 01.03.2025 and discharged on 10.03.2025. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners and the defacto complainant are close relatives. It appears that property dispute is existing between the petitioners and the defacto complainant. The petitioners have permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Considering the same and the fact that the injured has been discharged from the hospital and taking note of the fact that the petitioners are first offenders and with a view to given 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, Andipatti, 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



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Thousand only) to the satisfaction of the learned Judicial Magistrate, Andipatti, 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 make themselves available for interrogation by a police officer as and when required;

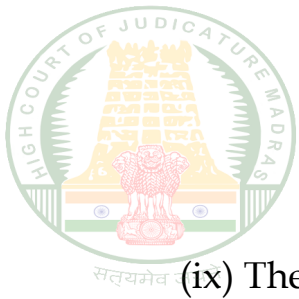
(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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

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

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

(viii) The petitioners shall not enter into the defacto complainant's house or workplace;



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(ix) The petitioners shall not try to contact the defacto complainant or her family members either directly or through any electronic mode;

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

(xi) 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/-

17/03/2025

(*)Corrected as per Order of this Hon'ble Court dated 21.04.2025 in CrI OP(MD). No.4901 of 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 BE SUBSTITUTED WITH THE ORDER DATED 17.03.2025 IS ALREADY
DISPATCHED.
TO

1 THE JUDICIAL MAGISTRATE
ANDIPATTI, THENI DISTRICT.

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

3 THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.KANNAN GURUSAMI, Advocate (SR-3005[I] dated 18/03/2025)

ORDER IN
CRL OP(MD) No.4901 of 2025
Date :17/03/2025

HPS/SAR / 04.04.2025/6P/6C

TSG

PP/SAR/ (24/04/2025) 6P/6C

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