



CRL.OP(MD). No.4873 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4873 of 2025

1.Inbaraj
2.Gopal @ Emayarajan
3.Rajeshwari

... Petitioners/ A1 to A3

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
Crime No.36 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 / A1 to A3 on bail in the event of their arrest in Crime No.36 of 2025 on the file of the respondent- Police.

For Petitioners : Mr.Arun

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 13.03.2025



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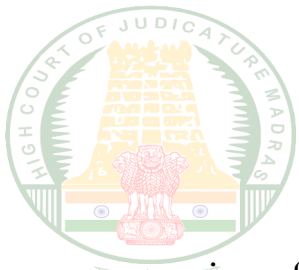
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 115(2) and 303(2)(NH) of BNS, 2023, read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.36 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that when the petitioners have preferred to survey his land with the help of Village Administrative Officer, the defacto complainant questioned them. At that time, the petitioners assaulted the defacto complainant and his wife. Hence, the complaint.

4. Mr.Arun, 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 that may 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, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that this is a case in counter. He further submits that there was a dispute between the parties with respect to



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measuring of pathway and that the petitioners assaulted the defacto complainant and his wife. He further submits that the defacto complainant was admitted in the hospital on 08.03.2025 and discharged from the hospital on 11.03.2025 and that 2 grams of gold stud, which is said to have been missing, is not yet recovered. He further submits that the petitioners have no previous case. He however prays for dismissal of this criminal original petition.

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

7. The petitioners and the defacto complainant are neighbouring land owners. It appears that there is a pathway dispute between the parties. Considering the relationship between the parties and also considering the nature of the dispute, this Court is of the view that the custodial interrogation of the petitioners is not necessary. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant 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, Paramakudi, within a period of 15 days from the date on which the order copy is made ready, on



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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, Paramakudi.

(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 appear and sign before the respondent-police daily at 10.00 am., until further orders.

(iv) The petitioners 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 them 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, his family members, and witnesses and shall not tamper the evidence.

(vii) The petitioners shall not enter into the defacto complainant's residence and his workplace.



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(viii) The petitioners shall not leave India without the previous permission of the Court.

(ix) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(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/-
17/03/2025

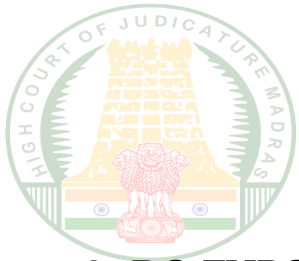
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/04/2025

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

RMK
TO

1 THE JUDICIAL MAGISTRATE
PARAMAKUDI.



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2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.B.ARUN, Advocate (SR-3120[I] dated 19/03/2025)

ORDER
IN

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Date :17/03/2025

HPS/SAR / 04.04.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023.