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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4897 of 2025

1. Thiruchendur Murugan

2. Kalaiselvi

3. Jegan @ Srijegan

... Petitioners/ A1 to A3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vadaseri Police Station, Kanyakumari District
Cr. No. 13/2025.

... Respondent/ Complainant

For Petitioners : Mr. M Suresh
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.13 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 13.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



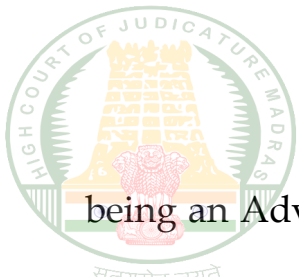
to grant an order of pre-arrest bail.

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2. The petitioners / A1 to A3 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNSS, 2023 in Crime No.13 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 06.01.2025 at around 6.15 pm., the defacto complainant and his friend Dhinakaran were inspecting a vacant land in Panchapandavar Street, where the petitioners / A to A3 and other accused arrived by carrying iron rods, stones and plastic pipes and attacked the defacto complainant and his friend and also threatened them with dire consequences. Hence, the case.

4. Mr.M.Subash, the learned counsel for the petitioners, submits that the respondent - Police without verifying the averments made in the complaint registered a false case against the petitioners. He further submits that already there was a civil dispute pending between the petitioners and one Thinakaran and only with a view to defeat the petitioners, the defacto complainant filed a false case against the petitioners. In fact initially the defacto complainant and others entered into the petitioners' house and threatened them with dire consequences. Hence, the 2nd petitioner filed a complaint against the defacto complainant and others. Based on the said complaint, case was registered against the defacto complainant and others in Crime No.12 of 2025 on the file of the respondent Police for the offences under Sections 191(2), 329(4), 296(b), 115(2) and 351(2) of IPC and Section 4 of TNPHW Act. He further submits that to counter the case the defacto complainant



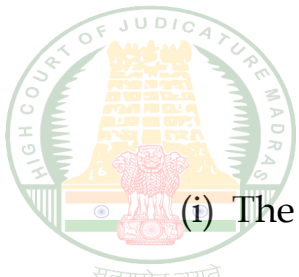
being an Advocate by using his position, foisted a false case against the petitioners.

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, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a property dispute existing between the petitioners and one Thinakaran and the 2nd petitioner herein has also given a complaint against the defacto complainant and others and the same was registered in Crime No.12 of 2025. He further submits that the investigation of the case is pending and therefore, at this stage, if pre-arrest bail is granted to the petitioners, they may 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. The petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the fact that the occurrence took place on 16.07.2024, but, the complaint was registered only on 08.01.2025 and considering the nature of the offence alleged against the petitioners and also 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:



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(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 No.II, Nagercoil, Kanniyakumari 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 the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari 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 No.II, Nagercoil, Kanniyakumari District, shall obtain a copy of any one of identity proofs to ensure their identity.

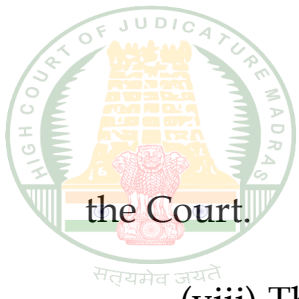
(iii) The petitioners shall appear and sign before the respondent-police weekly once ie., on every Sunday at 10.00 am until further orders.

(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 also not directly or in directly cause any threat to the defacto complainant and witnesses and tamper with evidence.

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



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(viii) The petitioners shall furnish their residential address and mobile number to the the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari District.

(ix) The petitioners shall not enter into the defacto complainant's house or his work place.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Nagercoil, Kanniyakumari District, 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/-

21.03.2025

// True Copy //

/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.II
NAGERCOIL, KANYAKUMARI DISTRICT.



2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

3 THE INSPECTOR OF POLICE, VADASERI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1. CC to M.SURESH Advocate SR.No.3307[I] Dated 24/03/2025

ORDER

IN

CRL OP(MD) No.4897 of 2025

Date :21/03/2025

RS (17/04/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing
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