



CRL OP(MD). No.5043 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 23/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5043 of 2025

Premkumar

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vathalai Police Station,
Trichy District.
In Cr. No. 25 of 2025

... Respondent/ Complainant

For Petitioner : Mr.Maheswaran R,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 25 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 petitioner on 17.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an



CRL OP(MD). No.5043 of 2025

order of pre-arrest bail.

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2. The petitioner / Accused No.3 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 118(1), 309(6) and 311 of BNS, 2023 in Crime No.25 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that the defacto complainant, who is a driver, went to a wine shop along with his owner to buy liquor on 02.03.2025 at about 07.30 p.m. At that time, the petitioner along with other accused persons entered quarrel with the employees of the wine shop to open the door. When the defacto complainant questioned the same, the petitioner along with other accused persons abused by uttering obscene words, assaulted and caused injury to him. Hence, the case.

4. Mr.R.Maheswaran, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner along with other



CRL OP(MD). No.5043 of 2025

accused persons abused by uttering obscene words and assaulted the defacto complainant and caused simple injury. He further submits that there is no previous case pending against the petitioner. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has no previous case and he has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Considering the above, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Musiri, 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) 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, Musiri;

(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, Musiri, shall obtain a copy of any



CRL OP(MD). No.5043 of 2025

one of identity proofs to ensure their identity;

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(iii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

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

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Musiri;

(viii) The petitioner 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, the learned Judicial Magistrate, Musiri, or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner 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].



CRL OP(MD). No.5043 of 2025

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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

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TO

- 1.THE JUDICIAL MAGISTRATE, MUSIRI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3.THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION,
TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.5043 of 2025
Date :23/04/2025

PR/27.05 .2025 5P/5C

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