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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD).No.5097 of 2025

1. Ashok Kumar
2. Parthasarathy

... Petitioners/ A7 & A8

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No. 58/2025.

... Respondent/Complainant

For Petitioner : Mr. S. Vidhya Sagar
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.58 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 18.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



2. The petitioners / A7 & A8 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2) and 118(1) and 351(3) of BNS, 2023, in Crime No.58 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.03.2025 at about 9.30 p.m. while the defacto complainant was riding his two wheeler dashed against the opposite two wheeler which was driven by the accused persons, due to the above collusion, there was a wordy quarrel between the defacto complainant and the accused persons and that the petitioners herein had assaulted the defacto complainant and also abused him in filthy language. Hence, the case.

4. Mr.S.Vidhya Sagar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submits that the it is a counter case and 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 the injured was treated as out-patient. He further submits that the investigation of the case is pending and therefore, at this stage, if the 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.

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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 injured was treated as out-patient and taking note of the fact that it is a case and counter case, this Court is of the considered opinion that the custodial interrogation of the petitioners is not necessary in this case. Hence, this Court is inclined to grant of pre-arrest bail 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, Uthamapalayam, 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 Thousand only) to the satisfaction of the learned Judicial Magistrate, Uthamapalayam, Theni 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, Uthamapalayam, Theni 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 twice ie., on every Monday and Friday at 10.30 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 indirectly 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 the Court.

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam, Theni 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/-

20.03.2025

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/04/2025

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

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.

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

3 THE INSPECTOR OF POLICE, CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.

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

+1. CC to S. VIDHYA SAGAR Advocate SR.No.3252[I] Dated 21/03/2025

ORDER
IN

CRL OP(MD) No.5097 of 2025

Date :20/03/2025

RS (16/04/2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing
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