



WEB COPY

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.5151 of 2025

(*)Yogarajan @ Selvam

... Petitioner/ Accused

Vs

The State of Tamilnadu Rep.By,
The Inspector of Police, Poolankurichi
Police Station, Sivagangai District
(Crime No.7 of 2025).

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi
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.7 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 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 petitioner / sole accused apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 118(1), 351(2)



of BNS, 2023 in Crime No.7 of 2025 on the file of the respondent-police.

WEB COPY

3. The case of the prosecution is that the defacto complainant is doing water business by using his vehicle. On 14.03.2025, the driver of the vehicle went to the place of occurrence, where the petitioner prohibited him from supplying water, hence, the driver of the vehicle informed the defacto complainant, who subsequently went to the place of occurrence, there, the petitioner abused the defacto complainant using filthy language and also threatened him with dire consequences. Hence, the case.

4. Mr.S.Muniyandi, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and 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, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that it is a case and counter and the injured was discharged from the hospital. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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



7. Considering the fact that the petitioner and defacto complainant are engaged in business activities at the same location and the present case arises out of a minor altercation between them and the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of offences allegedly committed by the petitioner and taking note of the fact that the injured was discharged from the hospital 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Thirupathur, Sivagangai 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) 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, Thirupathur, Sivagangai 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, Thirupathur, Sivagangai District shall obtain a copy of any



one of identity proofs to ensure their identity.

WEB COPY

(iii) The petitioner shall appear and sign before the respondent – Police daily at 10.00 am until further orders.

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

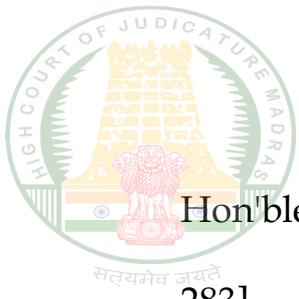
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thirupathur, Sivagangai District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirupathur, Sivagangai District 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].

WEB COPY

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

Sd/-

20.03.2025

(*)Amended as per the order of this court dated 02.06.2025 made in CRL MP(MD)No.6350 of 2025 in CRL OP (MD)No.5151 of 2025

// True Copy //

/06/2025

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

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

To be substituted to the order which is already despatched on 17.04.2025
1 THE JUDICIAL MAGISTRATE, THIRUPATHUR, SIVAGANGAI DISTRICT.

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

3 THE INSPECTOR OF POLICE, POOLANKURICHI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.3221[I] Dated 21/03/2025



WEB COPY



ORDER
IN

CRL OP(MD) No.5151 of 2025
Date :20/03/2025

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

MK (10/06/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17.07.2023.