



CRL OP(MD). No.5325 of 2025

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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.5325 of 2025

Mariappan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Sub-Inspector of Police,
Amathur Police Station,
Virudhunagar District.
Crime No.54 of 2024.

... Respondent/Complainant

For Petitioner : Mr.S.Baskar Mathuram

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For pre-arrest bail in Crime No.54 of 2024 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 19.03.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an



CRL OP(MD). No.5325 of 2025

order of pre-arrest bail.

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2. The petitioner/Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 294(b), 324 and 506(1) of IPC in Crime No.54 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the defacto complainant are relatives. Due to previous enmity, on 22.02.2024, at about 12.30 p.m., when the defacto complainant was near his daughter's house, the petitioner confronted and abused the defacto complainant with filthy language and insisted him to withdraw a case, which was given by the defacto complainant against the brother of the petitioner. Further, the petitioner threw a stone on the defacto complainant's face, thereby, caused grievous hurt in his left chin and threatened him with dire consequences. Hence, this case.

4. Mr.S.Baskar Mathuram, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner and this is the case in counter. He further submits that the petitioner was granted pre-arrest bail by this Court in CrI.O.P.(MD) No.3501 of 2024, dated 05.03.2024 and thereafter, the petitioner filed CrI.M.P.(MD) No.1008 of 2025 seeking extension of time to produce sureties and the same was dismissed on



CRL OP(MD). No.5325 of 2025

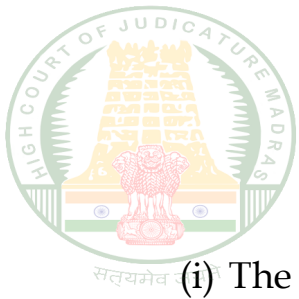
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27.01.2025, however, in that order, this Court observed that the petitioner may file fresh pre-arrest bail application. Hence, the petitioner filed the second pre-arrest bail application before this Court. He further submits that the petitioner has not involved any crime from 05.03.2025 to till date. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that due to previous enmity, the occurrence happened. He further submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offence and may cause threat to the defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. The petitioner has not involved any offence between 05.03.2025 and till date. This is the case in counter. Considering the same and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and the fact that the petitioner was already granted pre-arrest bail by this Court, 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:



CRL OP(MD). No.5325 of 2025

WEB COPY

(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 No.II, Virudhunagar, 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 No.II, Virudhunagar;

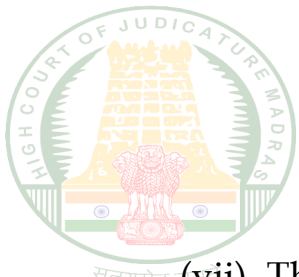
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.II, Virudhunagar shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Virudhunagar;

(iv) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

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

(vi) The petitioner shall not enter into the house or workplace of the defacto complainant;



CRL OP(MD). No.5325 of 2025

WEB COPY

(vii) 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;

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

(ix) 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 No.II, Virudhunagar, 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].

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

sd/-
21/03/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.5325 of 2025

apd
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TO

1. The Judicial Magistrate No.II,
Virudhunagar.
- 2.Do-Through The Chief Judicial Magistrate,
Virudhunagar District.
- 3.The Sub-Inspector of Police,
Amathur Police Station,
Virudhunagar District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.5325 of 2025
Date :21/03/2025

MK/SAR /15.04.2025 6P/5C

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