



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 21/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5219 of 2025

1. Ullamudaiyar,
S/o.Veerapandiyan,
No.85/13/2, South Street,
North Kumbilampadu,
Veppilangulam,
Panagudi,
Tirunelveli.

2. Neelakandan,
S/o.Vanumamalai,
No.8/13-2, North Street,
North Kumbilampadu,
Veppilangulam,
Panagudi,
Tirunelveli.

3. Vellapandi,
S/o.Vanamamalai,
No.5, North Street,
Kumbilampadu,
Veppilangulam,
Panagudi,
Tirunelveli.

4. Ponpandi,
S/o.Neelakanda Thevar,
No.3d/4,134/6-3, East Mathakovil Street,
North Veppilangulam, Panagudi,
Tirunelveli.



5. Neelakandan,
S/o.Ponpandi,
No.134-6/3, East Street,
Veppilangulam,
Panagudi, Tirunelveli.

... Petitioners/ Accused Nos.1 to 4 & 6

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
Crime No.145 of 2025

... Respondent/Complainant

For Petitioners : Mr.M.Perumal,
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.145 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 19.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 192(3), 296 (b), 115(2), 127(2), 118(1) and 351(3) of BNS r/w. Section 3 of TNPPDL Act in Crime No.145 of 2025 on the file of the respondent-police.



3. The case of the prosecution is that on 17.03.2025 at about 05.00 p.m., while the defacto complainant was erecting a fence on his agricultural land, the petitioners, along with Accused No.5, attacked the defacto complainant with an iron rod and Accused Nos.1 to 4 damaged the fence. Thereafter, they abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the case.

4. Mr.M.Perumal, the learned counsel for the petitioners, submits that already there is a civil dispute between the petitioners and the defacto complainant. He further submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there are totally six accused persons in this case and the petitioners have been arrayed as Accused Nos.1 to 4 and 6. 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 due to civil dispute between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant with an iron rod and the defacto complainant sustained simple injury. He further submits that each petitioner has one previous case. He further submits that Accused No.5 was arrested by the respondent-Police and later, enlarged on



bail. He further submits that the defacto complainant was admitted in the hospital on 16.03.2025 and discharged on 17.03.2025. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. He further submits that this is a case and counter case pending investigation in Crime Nos.145 and 146 of 2025 on the file of the respondent-Police. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case, and the nature of the offence alleged against the petitioners, and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and taking note of the fact that this is a case and counter case pending investigation in Crime Nos.145 and 146 of 2025 on the file of the respondent-Police, and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant 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, Radhapuram, 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, Radhapuram;

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(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, Radhapuram, 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 daily at 10.30 a.m., until further orders;

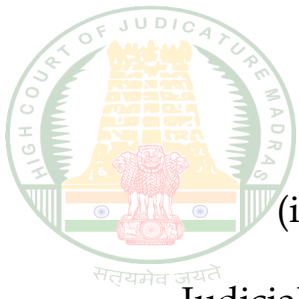
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(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 not, directly or indirectly cause threat to the defacto complainant and the witnesses and shall not tamper with the 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, Radhapuram; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Radhapuram 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

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/04/2025

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

Madurai Bench of Madras High Court,
Madurai.

TSG

TO

1 THE JUDICIAL MAGISTRATE, RADHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

3 THE INSPECTOR OF POLICE, RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M.PERUMAL Advocate SR.No.3331[I] Dated 24/03/2025



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RS (16/04/2025) 7P/ 6C

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



ORDER IN
CRL OP(MD) No.5219 of 2025
Date :21/03/2025