



CRL OP(MD). No.5433 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Dineshababu
2.Citybabu.

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Lalgudi Police Station,
Trichy.
Crime No.21 of 2025

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar
Advocate

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.21 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioners on 20.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused Nos.1 and 2 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 115(2), 351(2) and 303(2) of the Bharatiya Nyaya Sanhita (BNS) 2023 r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.21 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a practising Advocate. On 14.01.2025, during the pongal festival, due to intoxication, the petitioners abused the defacto complainant and her brother with filthy language. In spite of the prevention of some of the villagers, the first petitioner/A1 assaulted the defacto complainant, snatched her gold jewels weighing 2 sovereigns and also kicked in her stomach. Hence, the case.

4. Mr.T.Lenin Kumar, the learned counsel appearing for the petitioners, submits



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that the petitioners and the defacto complainant are neighbours, and the first petitioner is a Teacher. He further submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that due to the civil dispute, a false case has been foisted against the petitioners. He further submits that in fact, the defacto complainant's brothers abused the first petitioner in filthy language and threatened him with dire consequences, they also attacked the first petitioner, thereby, causing severe injuries, due to which he was admitted in the hospital, where the respondent-police recorded his statement and registered a case in Crime No.20 of 2025. He further submits that as a counter blast, the defacto complainant has falsely lodged the present case. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that on 14.01.2025, the petitioners, due to inebriated condition, attacked the defacto complainant and her brothers and also snatched 1 ½ sovereigns of gold chain and ½ sovereigns of ear rings. He further submits that the first petitioner has one previous case and the second petitioner has no previous case. He further submits that if pre-arrest bail is granted to the



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petitioners, they may commit similar type of offence and threat the defacto complainant and her brothers. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners and the defacto complainant are residing in same locality. The first petitioner is working as Teacher. In view of the fact that there are case and counter case and that due to the civil dispute, there was scuffle between the parties, this Court is of the opinion that custodial interrogation of the petitioners is not necessary for the Investigation Agency in this case. The first petitioner has one previous case and the second petitioner has no previous case. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the said fact and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Lalgudi, within a period of 15 days from the date on which the order copy is made ready, on executing



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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, Lalgudi;

(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, Lalgudi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Lalgudi;

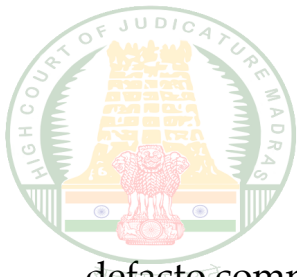
(iv) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 5.30 p.m., until further orders;

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

(vi) 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;

(vii) The petitioners shall not leave India without previous permission of the Court;

(viii) The petitioners shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence;

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(ix) The petitioners shall not contact the defacto complainant and his family members directly or through electronic mode;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Lalgudi, 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/-
24/03/2025

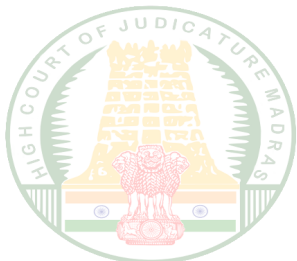
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/04/2025

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

APD
TO

1 THE JUDICIAL MAGISTRATE
LALGUDI.



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2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

3 THE INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3387[I] dated 25/03/2025)

ORDER
IN
CRL OP(MD) No.5433 of 2025
Date :24/03/2025

HPS/SAR / 22.04.2025/7P/6C

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