



CRL OP(MD). No.5527 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Manivannan @ Manikandan
2.Pandian

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Uthamapalayam Police Station,
Theni.
Crime No.77 of 2025

... Respondent/ Complainant

For Petitioner : Dr.R.Alagumani
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.77 of 2025 on the file of the respondent-police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 21.03.2025 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) and 132 of the Bharatiya Nyaya Sanhita (BNS) 2023 in Crime No.77 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is working as an Assistant in Highways Department. On 21.02.2025, at about 2.00 p.m., when the defacto complainant, along with his workers, on instruction of the Assistant Divisional Engineer, was painting white paint in a bridge in Uthamapalayam, the petitioners prevented them to do their work, since there was a poster of a political party, in which the petitioners belong to. Further, the petitioners abused the defacto complainant with filthy language and threatened him with dire consequences. Hence, the counter case.



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4. Dr.R.Alagumani, the learned counsel appearing for the petitioner, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioners. He further submits that the defacto complainant also abused the petitioners with filthy language, due to which they registered a case in Crime No.76 of 2025 against the defacto complainant for the offences under Sections 296, 351(2) of Bharatiya Nyaya Sanhita, 2023 and Sections 3(1)(r), 3(1)(s), 3(1)(t) and 3(2)(va) of SC/ST (Prevention of Atrocities) Act, 1989. He further 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 totally, there are four accused persons in this case and that the petitioners and other accused persons prevented the defacto complainant to do his official work. He further submits that the petitioners have four previous cases each. He further submits that if pre-arrest bail is granted to the petitioners, they may commit similar type of offence and may cause threat to the defacto complainant. 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. Considering the nature of the offence allegedly committed by the petitioners and the fact that this is a case in counter, this Court is of the opinion that custodial interrogation of the petitioners is not necessary for the Investigation Officer in this case. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case 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, Uthamapalayam, 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Uthamapalayam;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Uthamapalayam 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, Uthamapalayam;

(iv) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. and 5.00 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 defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the



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aforementioned conditions are imposed by him as laid down by the Hon-ble
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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/-
25/03/2025

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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
UTHAMAPALAYAM

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate (SR-3574[I] dated 27/03/2025)



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ORDER
IN
CRL OP(MD) No.5527 of 2025
Date :25/03/2025

HPS/SAR / 23.04.2025/7P/6C

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