



CRL OP(MD). No.5613 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Stalin Prabhakar

2.S.Prashanth

3.K.Vethamuthu

... Petitioners/ Accused (Rank not known)

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.95 of 2025

... Respondent/Complainant

For Petitioners : Mr.R.Gandhi,
Senior Advocate
for Ms.H.Jasima yasmin,
for M/s.Ajmal Associates
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Criminal Side)



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PRAYER:-
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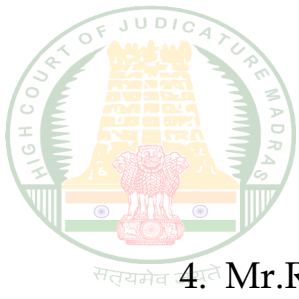
For Anticipatory Bail in Crime No.95 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 24.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioners / Accused (Rank not known) apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 191(1), 296(b), 329(3), 324(4), 115(2) and 351(2) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.95 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that due to long-standing property dispute between the petitioners / Members of CSI Church Institution and the defacto complainant, on 18.03.2025 at about 11.45 a.m., the petitioners herein entered into the house of the defacto complainant and attacked him and his family members and caused injuries and also damaged the house hold properties and the car belonging to the defacto complainant. Thereafter, the petitioners herein took the mobile phones and a sum of Rs.40,000/- belonged to the defacto complainant. Hence, the complaint.



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4. Mr.R.Gandhi, learned Senior counsel instructed by Ms.H.Jasima Yasmin, learned counsel on record for the petitioners, submits that the petitioners 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 petitioners are ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police submits that due to land dispute between the petitioners and the defacto complainant, the petitioners herein abused the defacto complainant and caused damage to the house hold articles belonging to the defacto complainant. He further submits that the defacto complainant has been admitted in the hospital on 21.03.2025 and discharged on 28.03.2025. He further submits that there is a case and counter case pending investigation in Crime Nos.95 and 97 of 2025 before the respondent-Police. He further submits that there is no previous case pending against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, he may cause threat to the defacto complainant and the witnesses. Hence, he strongly opposes to grant pre-arrest bail to the petitioners.

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

7. The petitioners have permanent residence and deep roots in the society, and



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hence, there is less possibility of absconding. Though the offences are serious in nature, they do not necessitate custodial interrogation. Considering the same, and also considering the relationship between the parties, and also 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 II, Kodaikanal, 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 II, Kodaikanal;

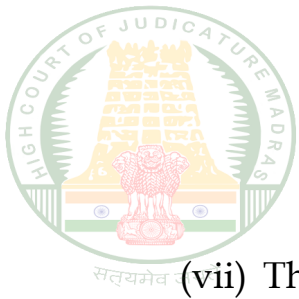
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate II, Kodaikanal, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall appear and sign before the respondent-police weekly twice (i.e., on Monday and Friday) at 10.00 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 them from disclosing such facts to the Court or to any police officer;

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



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(vii) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and the witnesses and shall not tamper the evidence;

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate II, Kodaikanal; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate II, Kodaikanal, 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/-
04/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1.THE JUDICIAL MAGISTRATE II, KODAIKANAL.
- 2.THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.
- 3.THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.5613 of 2025
Date :04/04/2025

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