



CRL OP(MD). No.5663 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Elangovan @ Elango

... Petitioner/ Accused No.1

Vs.,

The State of Tamil nadu,
rep., by the Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.76 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.K.Sivabalan
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.76 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 petitioner on 25.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/A1 apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.76 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.03.2025 at about 05.00 pm., when the defacto complianant was standing near Naganallur Anjinear Temple, the accused persons came there. The petitioner/ A1 asked Hans from the defacto complainant. When the same was refused by the defacto complainant, the petitioner/A1 along with A2 abused him in filthy language and also attacked him with stone, thereby causing injury. Hence the case.

4. Mr.K.Sivabalan, learned counsel for the petitioner, submits that the petitioner



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has not committed any offence as alleged by the prosecution and that the respondent-
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police has falsely implicated the petitioner as an accused. He however submits that the petitioner is 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 petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police submits that in this case, A2 was arrested and has been in custody, and the petitioner is A1. He further submits that the petitioner has no previous case. He further submits that the defacto complainant was admitted in the hospital on 19.03.2025 and discharged from the hospital on 21.03.2025. He however submits that if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant. Hence, he strongly opposes to grant pre-arrest bail to the petitioner.

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

7. In view of the offences allegedly committed by the petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence



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and deep roots in the society and therefore, there is less possibility of absconding.

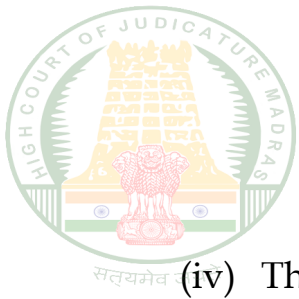
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Considering the same and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(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, Thuraiyur, within a period of 15 days from the date on which this order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Thuraiyur;

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

(iii) 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, Thuraiyur, shall obtain a copy of anyone of identity proofs to ensure their identity;



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(iv) The petitioner shall make himself available for interrogation by the respondent-Police as and when required;

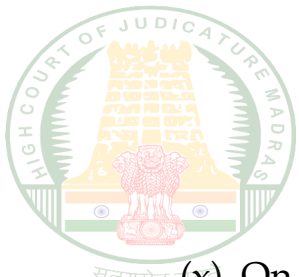
(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(vi) 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.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

(ix) The petitioner should not enter into the defacto complainant's house and workplace;



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(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves 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/-
27/03/2025

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

RMK
TO

1 THE JUDICIAL MAGISTRATE
THURAIYUR.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.

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



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

+1 CC to M/s.K.SIVABALAN, Advocate (SR-3624[I] dated 28/03/2025)

ORDER
IN
CRL OP(MD) No.5663 of 2025
Date :27/03/2025

HPS/SAR / 22.04.2025/7P/6C

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