



CRL OP(MD). No.5764 of 2025

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

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5764 of 2025

P. Muthukumar

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Kadupatti Police Station,
Madurai District.
(Crime No. 17 of 2025).

... Respondent/Complainant

For Petitioner : Mr. Nelson Arjunan
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. 17 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 petitioner on 26.03.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioner / sole accused apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 351(2) of BNS, 2023 and 92(a) of Rights of Persons with Disabilities Act, 2016 in Crime No.17 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to property dispute, on 18.03.2025 at about 8.30 pm, when the defacto complainant, who is a handicapped was at his house, petitioner herein thrown the chapels on the defacto complainant, abused him in filthy language and also threatened him with dire consequences. Hence, the case.

4. Mr.Nelson Arjunan, the learned counsel for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that no one has sustained injury in the said occurrence. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he



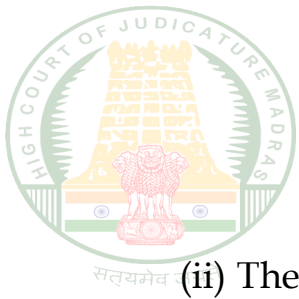
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may cause threat to the defacto complainant and witnesses. Accordingly, he prays
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to dismiss this Criminal Original Petition.

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

7. It appears that there was a property dispute between the petitioner and the defacto complainant and that both the petitioner and the defacto complainant are relatives. In view of the nature of offences allegedly committed by the petitioner and no one has sustained injury in the said occurrence, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Vadipatti, Madurai 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) 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, Vadipatti, Madurai.



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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, Vadipatti, Madurai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before respondent - Police daily at 10.00 am until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.

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

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Vadipatti, Madurai.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Vadipatti, Madurai is entitled to pass appropriate orders against the



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petitioner in accordance with law as if the aforementioned conditions are imposed
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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/-
28/03/2025

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

trp
TO

- 1 THE JUDICIAL MAGISTRATE,VADIPATTI, MADURAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KADUPATTI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5764 of 2025
Date :28/03/2025



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NBF/SAR /30.04.2025 6P/5C

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

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