



CRL OP(MD). No.5771 of 2025

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

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Rex Paul Smith
2. Karthickraja

... Petitioners/ Accused
rank not known

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Thallakulam Police Station,
Thallakulam,
Madurai City.
Crime No.191/2025.

... Respondent/ Complainant

For Petitioners : Mr.R.Bharath
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.191/2025 on the file of the respondent -
Police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 26.03.2025 under Section 482 of BNS, 2023, praying to grant an order of 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(2), 296(b), 351(2), 115(2), 49 and 303(2) of BNS, 2023, in Crime No.191 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a dispute between the defacto complainant's father and one Eswari regarding a payment in a self-help group. On 05.02.2025, a verbal altercation occurred between the defacto complainant's parents, Eswari, Murugeswari, and Manonmani, which was recorded by the defacto complainant. When Eswari asked the defacto complainant to delete the video, he refused. Out of vengeance, on 06.02.2025, at about 09:40 p.m., while the defacto complainant was at his house, seven unknown accused persons arrived and handed



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him a phone, asking him to speak with the petitioner, who is Eswari's son. Over the phone, the petitioner threatened the defacto complainant, demanding that he delete the video, abused him in filthy language, and then asked him to pass the phone to the other accused persons. Upon receiving the phone, the other accused persons attacked the defacto complainant. During the incident, his four sovereigns of gold jewelry, worth approximately Rs.30,000/-, went missing. Some of the accused attempted to attack him with a sword, but upon noticing the presence of CCTV cameras and the arrival of neighbors, they fled the scene.

4. Mr.R.Bharath, the learned counsel for the petitioners, submits that the petitioners are innocent persons that they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that co-accused has already been granted pre-arrest bail by this Court vide, order dated 21.03.2025 in



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Crl.O.P(MD).No.2801 of 2025. He further submits that the investigation of the case is pending, and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioners and the fact that co-accused person has already been granted pre-arrest bail by this Court vide order, dated 21.03.2025 in Crl.O.P(MD).No.2801 of 2025, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioners have permanent residence and deep roots in the society. Therefore, 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 pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their



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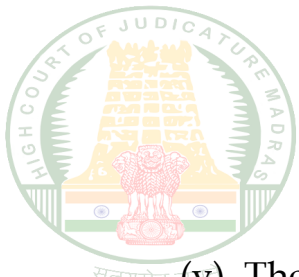
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arrest or in the event of their surrender before the learned Judicial Magistrate No.II, Madurai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 No.II, Madurai.

(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 No.II, Madurai 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 ie., on every Monday and Friday at 10.00 am until further orders.

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



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(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 him from disclosing such facts to the Court or to any police officer.

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

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

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Madurai.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Madurai 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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

TRP
TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
THALLAKULAM POLICE STATION,
THALLAKULAM,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5771 of 2025
Date :28/03/2025

HPS/14.05.2025 /7P/5C

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