



CRL OP(MD). No.5941 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Kuppathuraja
2.Kabilan
3.Muthumuniyandi

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.
Crime No.85 of 2025

... Respondent/Complainant

For Petitioners : Mr.P.Manokaran

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.85 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 27.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.85 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.03.2025, at about 09.15 p.m., the first petitioner was constructing a concrete building in the defacto complainant's land. When the same was questioned by the defacto complainant, the first petitioner, his wife and uncle, the first petitioner abused the defacto complainant in filthy language. The second petitioner attacked the defacto complainant with tiles. The third petitioner attacked the defacto complainant using wooden log. The petitioners and other accused person, assaulted the defacto complainant with their hands and feet. Hence, the case.

4. Mr.P.Manokaran, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He however submits that the petitioners are



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ready to abide by any conditions to be imposed by this Court. Hence, he prays for
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grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant was admitted in the hospital on 21.03.2025 and discharged on 30.03.2025. He further submits that the petitioners have no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the fact that the injured has been discharged from the hospital and taking note of the fact that the petitioners are first time offenders and with a view to give an opportunity to the petitioners to reforms 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 District Munsif and Judicial Magistrate, Kariyapatti, Virudhunagar District, 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



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sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsif and Judicial Magistrate, Kariyapatti, Virudhunagar District;

(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 shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

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

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 08.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned District Munsif and Judicial Magistrate, Kariyapatti, Virudhunagar District;

(viii) The petitioners shall not enter into the defacto complainant's house or



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workplace;

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(ix) The petitioners shall not try to contact the defacto complainant either directly or through any electronic mode;

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

(xi) On breach of any of the aforementioned conditions, concerned Magistrate, 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 them 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/-
01/04/2025

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

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TO



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1.The District Munsif and Judicial Magistrate,
Kariyapatti, Virudhunagar District

2. The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
Kariyapatti Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to P.MANOKARAN Advocate SR.No.3842(I) DT.03.04.2025

ORDER
IN

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Date :01/04/2025

PP/SAR. /29.04.2025/6P/6C

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