

CRL.OP(MD). No.5966 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5966 of 2025

Nagaraj

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Manapparai Police Station,
Trichy.
(Crime No.108 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.108 of 2025 on the file of the respondent police.

For Petitioner : Mr.P.Pandiarajan,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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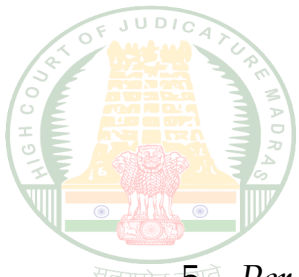
to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 118(2), 353(3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.108 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the de-facto complainant is running a utensil shop in Veerapur, while the petitioner operates a utensil shop adjacent to that of the defacto complainant. On 23.03.2025, a buyer parked a bus in front of the petitioner's shop to load utensils purchased from the defacto complainant's shop. The petitioner requested the driver to move the bus and also used unparliamentary language against him. When the defacto complainant intervened and questioned the petitioner's conduct, the petitioner attacked the defacto complainant with an iron rod and further threatened him with dire consequences. Hence, the case.

4. Mr.P.Pandiarajan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. 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.



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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused person assaulted the defacto complainant and threatened with dire consequences. He further submits that due to injury, the injured was admitted in the hospital on 23.03.2025 and discharged on 30.03.2025. He further submits that there are no previous cases against the petitioner. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and also considering the fact that the injured was discharged on 30.03.2025 and the nature of the offence allegedly committed by the petitioner, and taking note of the fact that there are no previous cases against the petitioner, 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, Manapparai, Trichy 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.10,000/- (Rupees Ten Thousand



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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, Manapparai, Trichy 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 petitioner shall appear and sign before the respondent-police daily twice at 10.00 a.m. and 05.00 p.m. 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 also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

(viii) The petitioner shall furnish his residential address and mobile number



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to the concerned Magistrate.

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(ix) The petitioner shall not enter into the defacto complainant's house or his work place and shall also not try to contract him either directly or through any electronic mode.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner 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/-

09/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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To

1.The Judicial Magistrate,
Manapparai,
Trichy District.



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2.Do Through

WEB.COM
The Chief Judicial Magistrate,
Trichy.

3.The Inspector of Police,
Manapparai Police Station,
Trichy.

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

+1 CC to M/s.P.PANDIARAJAN, Advocate (SR-4227[I] dated 15/04/2025)

Order made in
CRL.OP(MD). No.5966 of 2025
09.04.2025

BV (07/05/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.