



CRL.OP(MD).No.6098 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6098 of 2025

Ajithraj

... Petitioner / Accused No.6

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Andipatti Police Station,
Theni District.
(Crime No.72 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.72 of 2025 on the file of the respondent-police.

For Petitioner : Mr.J.Sitharth,
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 01.04.2025



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

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 191(2), 296(b), 298, 351(2) of BNS, 2023, in Crime No.72 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that a complaint lodged by one Shankara Narayanan, S/o Duraisami, Maniyarampatti. In his complaint to the respondent-police, he stated that, due to previous enmity, on 17.02.2025 at about 10:15 p.m., A1 to A4 along with some unknown accused, threw stones at the Sri Kali Amman Temple. The incident was recorded on a CCTV camera installed at the nearby tea shop. Accordingly, as the *Naatamai* (village head) of the village, Shankara Narayanan lodged a complaint, based on which the present case in Crime No.72 of 2024 was registered against A1 to A4 and other unknown accused.

4. Mr.J.Sitharth, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner was not present at the scene of occurrence, and this fact can be substantiated by the available evidence. He however submits that the petitioner is ready to abide by any conditions that may be imposed



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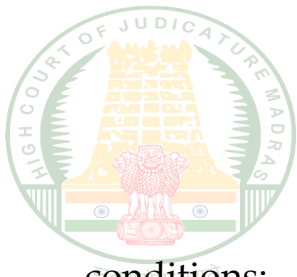
by this Court. Accordingly, he prays for grant of pre-arrest bail.

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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally six accused persons in this case and the petitioner has been arrayed as A6. He further submits that the accused persons, along with some unknown persons, threw stones at the Sri Kali Amman Temple. The incident was also recorded on a CCTV camera installed at the nearby tea shop. He therefore contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. Therefore, he submits that custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the offence allegedly committed by the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary. Further the petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and taking note of the fact that the petitioner is first offender 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



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conditions:

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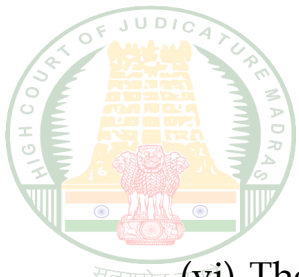
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Andipatti, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten 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, Andipatti.

(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 at 10.00 a.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.



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(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 not enter into the defacto complainant's house or his work place and shall also not try to contact his either directly or through any electronic mode.

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

(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].



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

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

pal
To

- 1.The Judicial Magistrate, Andipatti.
2. The Chief Judicial Magistrate, Andipatti.
- 3.The Inspector of Police,Andipatti Police Station, Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S.SITHARATH.J Advocate SR.No.3930 (I) DT.04.04.2025

ORDER IN
CRL OP(MD) No.6098 of 2025
Date :03/04/2025

PP/SAR. /30.04.2025/6P/6C

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