



CRL.OP(MD).No.6089 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.6089 of 2025

Balamurugan

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
(Crime No.165 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.165 of 2025 on the file of the respondent-police.

For Petitioner : Mr.N.Jeyaram Sidharth,
Advocate.

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



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 01.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to 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 353(2) of BNS and 4(B) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, in Crime No.165 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.03.2025, at about 12:15 p.m., the petitioner, along with others, visited TASMACH Shop No.7514 and pasted a wall poster featuring the portrait of the Hon'ble Chief Minister of Tamil Nadu. Despite this, the de-facto complainant, who is the supervisor of the TASMACH shop, attempted to prevent the petitioner and others from sticking the portrait, thereby restraining them in the course of his official duty. Hence, the case.

4. Mr.N.Jeyaram Sidharth, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as



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alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has filed an undertaking affidavit stating that he will not indulge in such type activities in the future. 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, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has been arrayed as A2. 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 may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the petitioner has no bad antecedents and he has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of



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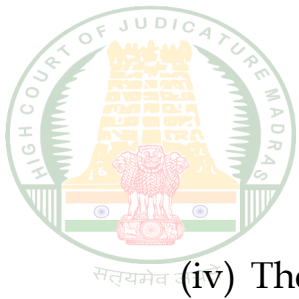
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offences allegedly committed by the petitioner and taking note that the affidavit filed by the petitioner and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail 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 No.I, Sivagangai, 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 No.I, Sivagangai.

(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 09.00 a.m. until further orders.



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(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 not enter into the defacto complainant's house or his work place.

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



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(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

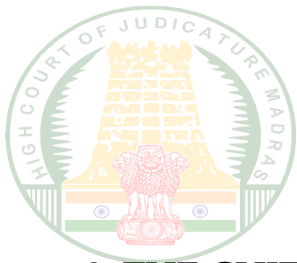
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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

1.THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.



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2. THE CHIEF JUDICIAL MAGISTRATE.
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6089 of 2025
Date :09/04/2025

VN/13.05.2025 7P/5C

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