



CRL OP(MD). No.6415 of 2025

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

Date : 17/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Muthukumar,

... Petitioner/ Accused No.3

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
Emaneswaram Police Station,  
Ramanathapuram District.  
In Crime No.40/2025..

... Respondent/ Complainant

For Petitioner : Mr.P.Muthusamy,  
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.40/2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.04.2025 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/ A3 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2) and 118(1) of BNS, 2023, and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.40 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a previous enmity between the parties. Due to which, on 27.02.2025, at 08.00 a.m., while the defacto complainant standing in front of his house, the petitioner abused him in filthy language and assaulted him with iron rod on his head and caused grievous injuries. Hence, the complaint.

4. Mr.K.Muthusamy, 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 and he has been falsely implicated in this case. 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.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to previous enmity between the petitioner and the defacto complainant, the petitioner herein attacked the defacto complainant and caused grievous injuries on his head. He further



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submits that the injured was admitted in the hospital on 27.02.2025 and discharged on 04.03.2025. However, he prays to dismiss this Criminal Original Petition.

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

7. It is seen that there was a previous enmity between the petitioner and the defacto complainant. It is further seen that the injured has been discharged from the hospital.

8. Considering the facts and circumstances of the case, and considering the nature of the offence alleged against the petitioner, and also considering the fact that the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and also considering the fact that the petitioner and the defacto complainant are same village, and also with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Paramakudi, within a period of 15 days from 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



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the learned Judicial Magistrate, Paramakudi,;

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(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, Paramakudi, 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 and 05.00 p.m., until further orders;

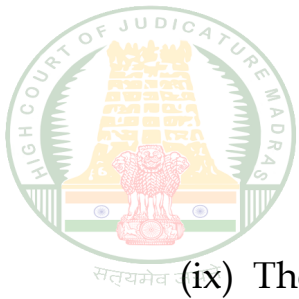
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

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

(vi) 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;

(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 to the learned Judicial Magistrate, Paramakudi,;



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(ix) The petitioner shall not enter into the defacto complainant's house or workplace; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Paramakudi, 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]*.

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

sd/-  
17/04/2025

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

VSG  
TO

- 1.The learned Judicial Magistrate, Paramakudi.
- 2.Do through The Chief Judicial Magistrate, Ramanathapuram.
- 3.The Inspector of Police, Emaneswaram Police Station,Ramanathapuram District.
- 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.



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ORDER IN  
CRL OP(MD) No.6415 of 2025  
Date :17/04/2025

PP/20.05.2025 6P/5C

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