



CRL OP(MD). No.6187 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

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1. K.Kalidoss @ Kalidass,
2. Thatchinamoorthy,
3. Anbuselvam @ Kalimuthuthan Nanni,
4. Kaleeshwaran,
5. Mahendran @ Magendheran,
6. Matheshwaran,

... Petitioners
/ Accused No.1 & 2, 5 to 8

Vs

The State of Tamil Nadu,
The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
Crime No.77 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.V.Nirmal Kumar,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)
Mr.R.Bala Muruganantham



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :- For Anticipatory Bail in Cr.No.77 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 02.04.2025 under Section 482 of the 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 191(2), 191(3), 126(2), 296(b), 115(2), 324(4) and 351(3) of BNS, 2023 and Section 4 of TNPWH Act, in Crime No.77 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.03.2025 at about 16.00 hours, due to previous enmity between the two groups of same community people, the petitioners and other accused persons had waylaid the car of the defacto complainant and abused him in filthy language and also threatened him with an *aruval*, and further, the petitioners and other accused persons damaged the tiles of the defacto complainant's house. Hence, the case.

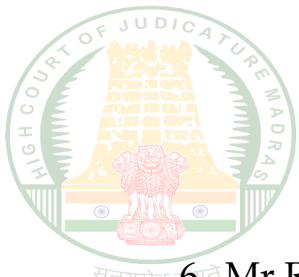
4. Mr.V.Nirmal Kumar, the learned counsel for the petitioners, submits that already there was a dispute relating to the selection of the village president between



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the petitioners and the defacto complainant. Hence, the defacto complainant given a
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false complaint against the petitioners. He further submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there are totally eight accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 2 and 5 to 8. He, however, submits that the petitioners are 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 petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to dispute between the petitioners and the defacto complainant relating to the selection of the village president, the petitioners threatened the defacto complainant with *aruval*. However, no one sustained any injury in the incident. He further submits that A1 is having two previous cases, in which, one case ended into acquittal. A3 and A5 are having one previous case and the same ended into acquittal. He further submits that Accused Nos.3 and 4 were arrested by the respondent-Police and they are still in custody. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. Therefore, he prays to dismiss this Criminal Original Petition.



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6. Mr.R.Bala Muruganantham, learned counsel appearing for the intervener, submits that the petitioners are continuously causing disturbance to the defacto complainant. He further submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant. Hence, he vehemently opposes to grant pre-arrest bail to the petitioners.

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

8. Considering the facts that no injuries were sustained in the incident and also considering the nature of the offence alleged against the petitioners, and taken note of the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and taking note of the fact that incident appears to have arisen out of political dispute relating to the selection of the village president between the petitioners and the defacto complainant. Hence, this Court is of the view that the custodial interrogation may not be necessary and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Additional Mahila Court, Sivagangai, within a period of 15 days from the date on which the order copy is made



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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 sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Additional Mahila Court, 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 Additional Mahila Court, Sivagangai, shall obtain a copy of any one of identity proofs to ensure their identity;

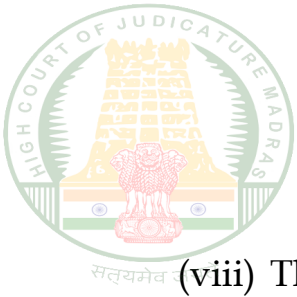
(iii) The petitioners shall stay at Karur District and shall appear and sign before the Karur Town Police Station, daily at 07.00 a.m and 06.00 p.m., until further orders;

(iv) The petitioner should not enter into the Sirusengulipatti, Vanniankudi, without prior permission from the concerned Jurisdictional Court.

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

(vi) 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;

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



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the Court;

(viii) The petitioners shall not leave India without the previous permission of

(ix) The petitioners shall furnish their residential address and mobile number to the learned Additional Mahila Court, Sivagangai,; and

(x) On breach of any of the aforementioned conditions, the learned Additional Mahila Court, Sivagangai, 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 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/-
04/04/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg



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TO मेव जयते

1.The learned Additional Mahila Court,
Sivagangai.

2. The Inspector of Police,
Karur Town Police Station.
Karur District.

3.The State of Tamil Nadu,
The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.

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

+1. CC to V.NIRMAL KUMAR Advocate SR.No.4000(I)DT.07.04.2025

ORDER
IN

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Date :04/04/2025

PP/SAR. /02.05.2025/7P/6C

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