



CRL.OP(MD). No.6127 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Suresh

2.Rajeshwari

3.Rathnam

... Petitioners / Accused Nos.1 to 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.81 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 petitioners in Crime No.81 of 2025 on the file of the respondent-police.

For Petitioners : Mr.K.Sivabalan,
Advocate
for Aran Legal Consultancy

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 01.04.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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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 296(b) and 118(1) of BNS, 2023, in Crime No.81 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a prior enmity between the petitioners and the defacto complainant due to some civil dispute regarding land. On the date of occurrence, i.e., 20.03.2025 at about 17:00 hours, the defacto complainant's grandson ran over the pepper that had been laid out by the petitioners on the cement road near his house. Enraged by this, the petitioners are said to have scolded and attacked the defacto complainant with a wooden log. Hence, the present case.

4. Mr.K.Sivabalan, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. He further contends that this is case in counter and that the defacto complainant lodged a false complainant against the petitioners. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.



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5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally three accused persons in this case and the petitioners have been arrayed as A1 to A3 who attacked the defacto complainant on 20.03.2025. Further the defacto complainant admitted in hospital on 20.03.2025 and discharged on 02.04.2025. He further contends that if the petitioners are released on pre-arrest bail, they will again cause threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and taking note of the fact that the injured was discharged from hospital and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted 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 Judicial Magistrate, Thuraiyur, within a period of 15 days from the date on which the order copy is made ready, on



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executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, Thuraiyur.

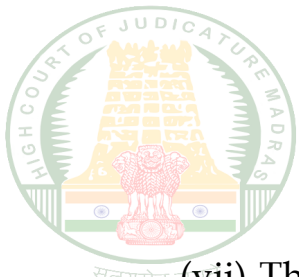
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police weekly thrice i.e., on every Monday, Wednesday and Friday at 10.00 a.m. until further orders.

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

(v) 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.

(vi) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, his family members and witnesses and shall not tamper the evidence.



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work place.

(vii) The petitioners shall not enter into the defacto complainant's house or his

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

(ix) The petitioners shall furnish their 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 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]*.

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

sd/-
08/04/2025

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

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To मेव जयते

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1.The Judicial Magistrate,
Thuraiyur.

2. The Chief Judicial Magistrate,
Tiruchirappali District.

3.The Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.

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

+1. CC to M/S.ARAN LEGAL CONSULTANCY Advocate SR.No.4181(I)
DT.09.04.2025

ORDER IN
CRL OP(MD) No.6127 of 2025
Date :08/04/2025

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

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