



CRL OP(MD). No.6163 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6163 of 2025

Kani Murugan,

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Appanaickenpatti Police Station,
Virudhunagar District.
Crime No.25 of 2025..

... Respondent/ Complainant

For Petitioner : Mr.K.Vignesh
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 Cr.No.25 of 2025 on the file of the Respondent-Police.



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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 01.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/A1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 118(1) of BNS, 2023 and Section 4 of TNPHW Act, in Crime No.25 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the defacto complainant are neighbours and due to previous enmity between the petitioner and the defacto complainant, on 16.03.2025 at about 06.00 a.m.,, while the defacto complainant was fetching water near her house, at that time, the petitioner and A2 abused the defacto complainant in a filthy language and spat saliva on her and also assaulted her by using back side of a sickle and caused simple contusion injury on her left hand. Hence, the complaint.

4. Mr.K.Vignesh, learned counsel appearing for the petitioner, submits that the



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petitioner has nothing to do with the alleged offence. He further submits that the respondent-Police has falsely foisted a case against the petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that totally two accused in this case A2 is the mother of A1/petitioner and she got anticipatory bail before the trial Court. Therefore, he prays for granting pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that due to previous enmity, the occurrence had taken place. He further submits that the injured got contusions on her left hand. He further submits that the injured has been admitted in the hospital on 16.03.2025 and discharged on 26.03.2025. He further submits that the petitioner has three previous cases, which are not similar in nature and all cases were disposed of and no case pending against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and the witnesses. Hence, he strongly opposes to grant pre-arrest bail to the petitioner.

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



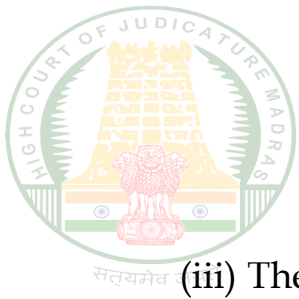
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7. The petitioner has permanent residence, and hence, there is less possibility of absconding. Considering the same, and also considering the fact that both parties are neighbours and three previous cases pending against the petitioner were disposed of and now, there is no previous case pending against him, and also with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant 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 Court No.1, Sattur, 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.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 Judicial Magistrate Court No.1, Sattur,;

(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 Court No.1, Sattur, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent-police daily at 09.00 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, 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 not leave India without the previous permission of the Court;

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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate Court No.1, Sattur,; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate Court No.1, Sattur, 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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sd/-
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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 COURT NO.1,
SATTUR.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVLLIPUTHUR.
- 3.THE SUB INSPECTOR OF POLICE,
APPANAICKENPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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WEB COPY +1 CC to M/s.K.VIGNESH, Advocate (SR-4421[I] dated 21/04/2025)

ORDER
IN
CRL OP(MD) No.6163 of 2025
Date :17/04/2025

VN/15.05.2025 7P/6C

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