



CRL OP(MD). No.6197 of 2025

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

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Sakthivel

2. Indirani @ Indirani Ammal

... Petitioners/ Accused Nos.2 & 3

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.
Crime No. 82/2025..

... Respondent/Complainant

For Petitioner : Mr.A.Uthaya Kumar,
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. 82 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



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to grant an order of pre-arrest bail.

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2. The petitioners/A2 and A3 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita, 2023, in Crime No.82 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a land dispute between the parties. On 27.03.2025, at 10.30 a.m., the petitioners and other accused persons laid the boundary stone in the defacto complainant's land. When the same was questioned by the defacto complainant, the petitioners abused the defacto complainant in filthy language, assaulted the defacto complainant's husband on his head and also assaulted the defacto complainant with wooden stick and her family members thereby, caused blood injuries and threatened them with dire consequences. Hence, the case.

4. Mr.A.Uthaya Kumar, the learned counsel for the petitioners, submits that already there is a civil dispute between the petitioners and the defacto complainant. He further submits that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that all injured were discharged from the hospital. He, however, submits that the petitioners are ready to abide by any



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conditions to 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.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that due to civil dispute between the parties, the petitioners laid boundary stone in the defacto complainant's land, when and the same was questioned by the defacto complainant, the petitioners and others attacked the defacto complainant and her family members and they sustained injury. He further submits that there is no previous case pending against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. He further submits that there is a case and counter case pending investigation before the respondent-Police. He further submits that the injured was admitted in the hospital on 27.03.2025 and discharged on 29.04.2025. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the First Information Report and other records.

7. Considering the facts and circumstances of the case, and the nature of the offence alleged against the petitioners, and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore,



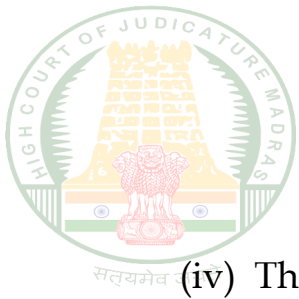
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there is less possibility of absconding, and taking note of the fact that this is a case
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and counter case pending investigation and all the injured are discharged from the hospital, and with a view 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 bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District, 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) 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, Muthukulathur, Ramanathapuram District;

(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, Muthukulathur, Ramanathapuram District, 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 daily at 10.30 a.m., until further orders;



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

(vii) The petitioners shall not leave India without the previous permission of the Court;

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District,; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Muthukulathur, Ramanathapuram District, 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]*.



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

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

ORDER IN
CRL OP(MD) No.6197 of 2025
Date :22/04/2025

PP/27.05.2025 6P/5C

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