



*in Crl.OP(MD).No.6236 of 2025*

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). Nos.6236, 6225, 6233 and 6239 of 2025

1.Velusamy

2.V.Chinnadurai

... Petitioners / Accused Nos.1 & 2  
in Crl.OP(MD).No.6236 of 2025

Jeyanthi.V

... Petitioner / Accused  
Rank Not Known  
in Crl.OP(MD).No.6225 of 2025

Sreeja.K

... Petitioner / Accused  
Rank Not Known  
in Crl.OP(MD).No.6233 of 2025

Umapatti

... Petitioner / Accused  
Rank Not Known  
in Crl.OP(MD).No.6239 of 2025

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
Rajathaani Police Station,  
Aundipatti Taluk,  
Theni District.  
(Crime No.56 of 2025)

... Respondent/ Complainant  
in all cases



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COMMON PRAYER :- The Criminal Original Petitions filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.56 of 2025 on the file of the respondent-police.

For Petitioners : M/s.Rekha Sivakumar,  
(in all cases) Advocate

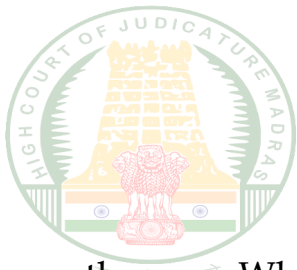
For Respondent : Mr.K.Sanjai Gandhi,  
(in all cases) Government Advocate  
(Criminal Side)

COMMON ORDER : The Court made the following order :-

These Criminal Original Petitions have 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), 296(b), 127(2), 115(2), 118(1) and 351 (3) of BNS, 2023, in Crime No.56 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.03.2025, at about 5:30 p.m., the defacto complainant, upon visiting his land bearing Survey No. 3/5, found the first and second petitioners along with six others plucking tamarinds from a tree situated



thereon. When the defacto complainant questioned them, the petitioners abused him using filthy language and further assaulted him. Hence, the case.

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4. M/s.Rekha Sivakumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioners. She however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, She 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 property dispute between the parties, the accused persons abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences. He further submits that the defacto complainant was admitted in the hospital on 23.03.2025 and discharged on 26.03.2025. Therefore, if the petitioners are released on pre-arrest bail, they will again cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.



6. Heard both sides. This Court has perused the records.  
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7. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence allegedly committed by 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 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, Aundipatti, 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, Aundipatti.

(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.

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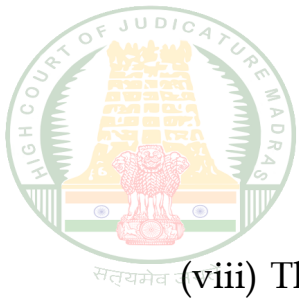
(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(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.

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



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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 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/-  
09/04/2025

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

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in Crl.OP(MD).No.6236 of 2025

To

1.THE JUDICIAL MAGISTRATE,  
AUNDIPATTI.

2.DO THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
AUNDIPATTI,  
THENI DISTRICT.

3.THE INSPECTOR OF POLICE,  
RAJATHAANI POLICE STATION,  
AUNDIPATTI TALUK,  
THENI DISTRICT.

4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

+1 CC to M/s.REKHA SIVAKUMAR, Advocate ( SR-4311[I] dated 16/04/2025 )  
+1 CC to M/s.REKHA SIVAKUMAR, Advocate ( SR-4312[I] dated 16/04/2025 )  
+1 CC to M/s.REKHA SIVAKUMAR, Advocate ( SR-4313[I] dated 16/04/2025 )  
+1 CC to M/s.REKHA SIVAKUMAR, Advocate ( SR-4314[I] dated 16/04/2025 )

ORDER

IN

CRL OP(MD) No.6236 of 2025

Date :09/04/2025

VN/15.05.2025 7P/9C

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