



CRL OP(MD). No.6279 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6279 of 2025

Barathi

... Petitioner/ Accused (Rank not known)

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Veeravanallur Police Station,
Veeravanallur, Tirunelveli District.
Crime No. 148/2025.

... Respondent/Complainant

For Petitioner : Mr.S.Packiya Muthu, Advocate
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.148 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 petitioner on 02.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant



CRL OP(MD). No.6279 of 2025

an order of pre-arrest bail.

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2. The petitioner / Accused (Rank not known) apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023 in Crime No.148 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that the defacto complainant is working as a Waiter in part time at Qadiri hotel. The petitioner along with other accused persons went to the above said hotel and ordered food. But the defacto complainant did not supply the food to them, since he served at another table. The petitioners complained to the hotel owner. However, the petitioners have held grudge. On 16.03.2025 at about 03.00 p.m., while the defacto complainant and their friends were walking in the street, the petitioner along with other accused persons intercepted the defacto complainant and questioned him about why he had not supplied the food. Suddenly, a wordy quarrel arose between both of them and the petitioner herein abused the defacto complainant in filthy language and attacked him with stones and also threatened him with dire consequences. Hence, the case.

4. Mr.S.Packiya Muthu, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He,



CRL OP(MD). No.6279 of 2025

however, submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to wordy quarrel arose between the petitioner and the defacto complainant, the petitioner along with other accused person attacked the defacto complainant with stones. He further submits that the petitioner has been treated as an out patient. He further submits that if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant. Hence, he vehemently opposes to grant pre-arrest bail to the petitioner.

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

7. Considering the facts and circumstances of the case, this Court is of the view that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of 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,



CRL OP(MD). No.6279 of 2025

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Cheranmahadevi, 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) 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, Cheranmahadevi;

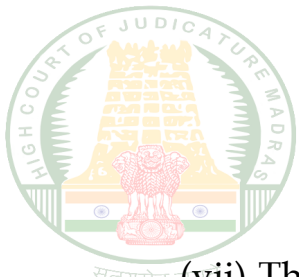
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Cheranmahadevi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-Police daily at 09.00 a.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;



CRL OP(MD). No.6279 of 2025

WEB COPY

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Cheranmahadevi;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Cheranmahadevi 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].

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

sd/-
04/04/2025

/ TRUE COPY /

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

TSG
TO
1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI.



CRL OP(MD). No.6279 of 2025

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3.The Inspector of Police,
Veeravanallur Police Station,
Veeravanallur, Tirunelveli District.

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

+1 CC to M/s.S.PACKIYA MUTHU, Advocate (SR-4045[I] dated 08/04/2025)

ORDER

IN

CRL OP(MD) No.6279 of 2025

Date :04/04/2025

MK/SAR /12.05.2025 6P/6C

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