



CRL OP(MD). No.6316 of 2025

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

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Dinesh @ Dinesh Babu

2.Lakshmanan

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Vadipatty Police Station,
Madurai District.
Crime No.79 of 2025

... Respondent/Complainant

For Petitioners : Ms.A.Arul Jenifer,
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.79 of 2025 on the file of the respondent-Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 02.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant pre-arrest bail.

2. The petitioners / Accused Nos.1 and 2 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 118(1) and 351 (2) of BNS, 2023 in Crime No.79 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that there had been a dispute between the petitioners and the defacto complainant regarding water passage to the field. On 27.03.2025 at about 12.00 p.m., the petitioners herein abused the defacto complainant in filthy language and attacked him with hands and caused injuries to him. Hence, the complaint.

4. Ms.A.Aruljenifer, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution. She further submits that a false case has been foisted against the petitioners. She further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal



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Side) appearing for the respondent-Police submits that due to prior dispute between the parties, the petitioners herein attacked the defacto complainant with hands and caused injuries to the defacto complainant. He further submits that the defacto complainant has been admitted in the hospital on 27.03.2025 and discharged on 01.04.2025. 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, he may cause threat to the defacto complainant and the witnesses. Hence, he strongly opposes to grant pre-arrest bail to the petitioners.

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

7. The petitioners have permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and taking note of the fact that the petitioners have no previous bad antecedents and also considering the nature of dispute between the petitioners and the defacto complainant, 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, Vadipatti, 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



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with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Vadipatti ;

(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, Vadipatti, 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 10.00 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 them from disclosing such facts to the Court or to any police officer;

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

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

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

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

tsg
TO

- 1 THE JUDICIAL MAGISTRATE, VADIPATTI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, VADIPATTY POLICE STATION,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS
HIGH COURT, MADURAI.
- +1 CC to M/s.A.ARUL JENIFER, Advocate (SR-4085[I] dated 08/04/2025)

ORDER
IN
CRL OP(MD) No.6316 of 2025
Date :04/04/2025

NBF/SAR/02.05.2025 5P/6C

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