



CRL.OP(MD). No.6527 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6527 of 2025

1.Periyasamy

2.Jeeva @ Jeevanatham

3.Kiruba @ Kirubakaran

... Petitioners / Accused Nos.3 to 5

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Musiri Police Station,
Trichy City.
(Crime No.88 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.88 of 2025 on the file of the respondent-police.

For Petitioners : Mr.K.Arunraj,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)



CRL.OP(MD). No.6527 of 2025

ORDER : The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioners on 04.04.2025 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), 118(1) and 351(3) of BNS, 2023, in Crime No.88 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 24.03.2025, the de facto complainant lodged a complaint before the respondent police stating that, on 22.03.2025 at about 12:30 a.m., while he was standing in front of a fancy store, a quarrel arose between one Jyothi, the owner of the store, and the petitioner herein, over playing carrom and causing disturbance during night hours. When the defacto complainant intervened, the petitioner abused him in filthy language and assaulted him, issuing threats of dire consequences. Hence, the present case.

4. Mr.K.Arunraj, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by



CRL.OP(MD). No.6527 of 2025

WEB COPY

the prosecution and a false case has been foisted against the petitioners. He further submits that the petitioners reside on the next street to the defacto complainant, and there exists previous enmity between them. On the date of the alleged occurrence, there was only a wordy altercation between the parties. Hence, the defacto complainant has lodged a false complaint against the petitioners. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally five accused persons in this case and the petitioners have been arrayed as A3 to A5. He further submits that A3 has no previous case and A4 and A5 have one previous case each. He further submits that the defacto complainant was admitted in the hospital on 23.03.2025 and discharged on 25.03.2025. He further submits that the petitioners started wordy quarrel with the defacto complainant and assaulted him and threatened with dire consequences. 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.



CRL.OP(MD). No.6527 of 2025

WEB COPY

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

7. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against 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. Accordingly, pre-arrest bail is granted 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, Musiri, 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, Musiri.

(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



CRL.OP(MD). No.6527 of 2025

identity proofs to ensure their identity.

WEB COPY

(iii) The petitioners shall appear and sign before the respondent-police daily at 05.00 p.m. until further orders.

(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) 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.

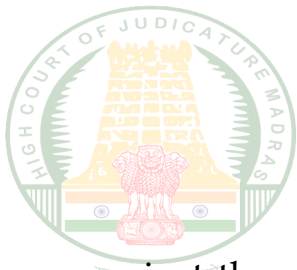
(vii) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, his family members and witnesses and shall not tamper the evidence.

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

(ix) The petitioners shall not leave India without the previous permission of the Court.

(x) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(xi) 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



CRL.OP(MD). No.6527 of 2025

against the petitioners in accordance with law as if the aforementioned conditions
WEB COPY
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/-
08/04/2025

/ TRUE COPY /

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

pal

To

1.The Judicial Magistrate,
Musiri.

2. THE CHIEF JUDICIAL MAGISTRATE,
MUSIRI.

3.The Inspector of Police,
Musiri Police Station,
Trichy City.



CRL.OP(MD). No.6527 of 2025

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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-4142[I] dated 09/04/2025)

ORDER
IN
CRL OP(MD) No.6527 of 2025
Date :08/04/2025

VN/06.05 .2025 7P/6C

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