



CRL.OP(MD). No.6639 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

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1.Arif Khan

2.Riyaz @ Mohmmad

3.Kathar Batsha @ Rabeek

4.Abuthahir

5.Althaf @ Sikkandar Batsha

6.Saleem Khan

7.D.Akbar Khan

... Petitioners/ Accused Nos.1 to 7

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thirupparangundram Police Station,
Madurai City.
(Crime No.169 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.169 of 2025 on the file of the respondent-police.

For Petitioners : Mr.A.Sheik Nasurdeen,
Advocate



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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 07.04.2025 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), 191(3), 296(b), 115(2), 118(1) and 351 (3) of BNS, 2023, in Crime No.169 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant has lodged a complaint stating that on 24.03.2025, when he attempted to donate a bag of rice to mosque, the 7th Accused refused to accept it. Subsequently, while the defacto complainant and his companions were standing near the *Pallivasal*, they were approached by the petitioners herein. Upon questioning the reason for refusing the rice bag, the accused persons assaulted the defacto complainant, used abusive language, threw a drum and a wooden log at him, and threatened him with dire consequences. Based on these allegations, an FIR has been registered against the accused persons.

4. Mr.A.Sheik Nasurdeen, the learned counsel for the petitioners, submits that



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the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and a false case has been foisted 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.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have been arrayed as A1 to A7. He further submits that A1 has 5 previous cases, A3 has 2 previous cases, A5 has 6 previous cases and A7 has 6 previous cases. He further submits that the injured person was admitted and treated as out-patient. He further contends that if the petitioners are released on pre-arrest bail, they will again cause threat to the defacto complainant. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. 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 treated as out-patient and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant



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pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the
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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 No.VI, Madurai, 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 No.VI, Madurai.

(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.

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

(iv) The petitioners shall appear before the respondent-police as and when required for interrogation.

(v) The petitioners shall make themselves available for interrogation by a



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police officer as and when required.

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(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 working place and shall also not try to contact the defacto complainant.

(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 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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Sd/-

09/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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To

1.The Judicial Magistrate No.VI,
Madurai.

2.Do Through
The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
Thirupparangundram Police Station,
Madurai City.

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

+1 CC to M/s.A.SHEIK NASURDEEN, Advocate (SR-4208[I] dated 15/04/2025)

Order made in
CRL.OP(MD). No.6639 of 2025
09.04.2025

BV (07/05/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.