



CRL OP(MD). No.6990 of 2025

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

Date : 17/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.6990 of 2025

1. Arivalagan

2. Seenivasan @ Srinivas

.. Petitioners / Accused Nos.1 &2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kundrakudi Police Station,
Sivagangai District.
Crime No.87/2025.

... Respondent/Complainant

For Petitioners : Mr. D.Venkatesh
Advocate.

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

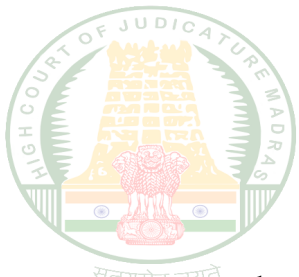
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.87/2025 on the file of the respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 15.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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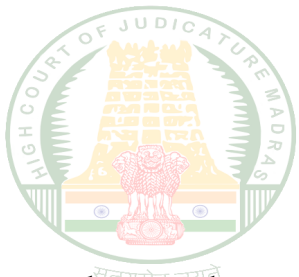
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2. The petitioners / A1 and A2 apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 126(2), 296(b), 115(2), 118(1) and 351(3) of BNS, 2023, in Crime No.87 of 2025 on the file of the respondent- police.

3. The case of the prosecution is that due to previous motive, on 09.04.2025 at about 6.00 pm, while the defacto complainant was on his way towards Kundrakudi from Karaikudi, near TNSTC, the petitioners have waylaid him and also attacked him with wooden log and also abused in filthy language. Hence, the case.

4. Mr.D.Venkatesh, the learned counsel for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He further submits that the it is a case and counter and the petitioners are ready to abide by any conditions to 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 the injured was admitted in the



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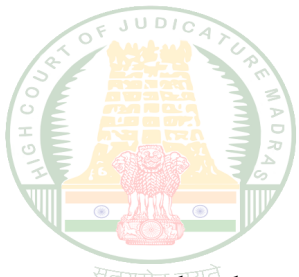
हॉस्पिटल पर 09.04.2025 और डिचार्ज्ड पर 12.04.2025. He further submits that there
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is no previous case pending against the petitioners. He further submits that the investigation of the case is pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that petitioner has no previous bad antecedents and that the defacto complainant has been discharged from the hospital and in view of the nature offence alleged against the petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the nature of allegation against the petitioners, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of 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,



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Karaikudi 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, Karaikudi.

(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, Karaikudi, shall obtain a copy of any one of identity proofs to ensure their identity.

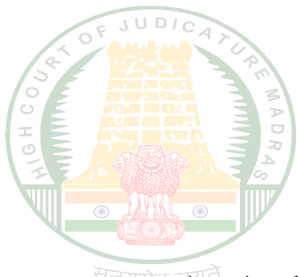
(iii) The petitioners shall appear and sign before the respondent – Police daily at 10.00 am until further orders.

(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 and witnesses and tamper with evidence.

(vii) The petitioners shall not leave India without the prior permission of the Court.



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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Karaikudi, 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/-

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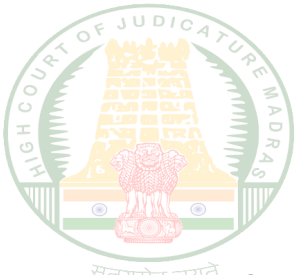
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1.THE JUDICIAL MAGISTRATE, KARAIKUDI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.



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3.THE INSPECTOR OF POLICE,
KUNDRAKUDI POLICE STATION, SIVAGANGAI DISTRICT.

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

+1. CC to D.VENKATESH Advocate SR.No.4430 DT 21.04.2025

ORDER
IN

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Date :17/04/2025

RK(12/05/2025) 6P / 6C

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