

CRL.OP(MD). No.7032 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.7032 of 2025

1.Vahith

2.Esasul Huk

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Sayalkudi Police Station,
Sayalkudi,
Ramanathapuram District.
(Crime No.69 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.69 of 2025 on the file of the respondent-police.

For Petitioners : Mr.P.Gunasekaran,
Advocate

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

For Intervener : Mr.K.Prakash, Advocate



CRL.OP(MD). No.7032 of 2025

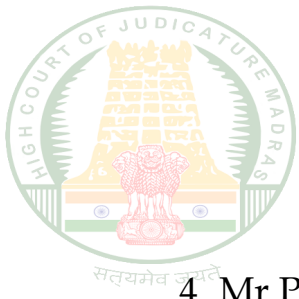
WEB COPY

ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 16.04.2025 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 296(b), 115(2), 118(1), 324(2), 351(3) of BNS, 2023, in Crime No.69 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that both the petitioner and the defacto complainant, namely Jalal @ Ajeesh, are brothers, and there is an ongoing property dispute between them. On 11.04.2025, at around 9:00 p.m., when the defacto complainant was heading towards the house of his aunt, Ahammed Beevi, the accused verbally abused him using unparliamentary language. The petitioners then attacked him with stones and an iron rod. As a result, the defacto complainant sustained contusions and was admitted to the Government Hospital in Ramanathapuram. Hence, the case.



CRL.OP(MD). No.7032 of 2025

WEB COPY

4. Mr.P.Gunasekaran, the learned counsel for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution and that 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 due to property dispute between the parties, the accused persons abused the defacto complainant in filthy language, assaulted him and threatened him with dire consequences. He further submits that the defacto complainant was admitted in the hospital on 12.04.2025 and discharged on 18.04.2025. 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.

6. Mr.K.Prakash, the learned counsel for the intervener / defacto complainant submits in the line of the learned Government Advocate (Criminal Side) appearing for the respondent police.



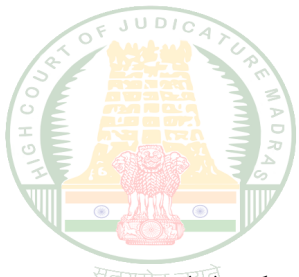
CRL.OP(MD). No.7032 of 2025

WEB COPY

7. Heard the learned counsel on either side. This Court has perused the records.

8. 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, Kadaladi, Ramanathapuram District, 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, Kadaladi, Ramanathapuram District.



CRL.OP(MD). No.7032 of 2025

WEB COPY

(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.

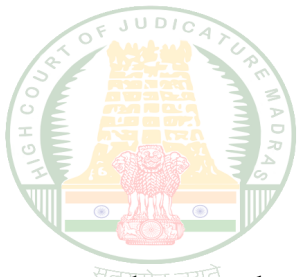
(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioners shall 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, his family members and witnesses and shall not tamper the evidence.

(vii) The petitioners shall not enter into the defacto complainant's son's house



CRL.OP(MD). No.7032 of 2025

or his work place .

WEB COPY

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

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

(x) 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]*.

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

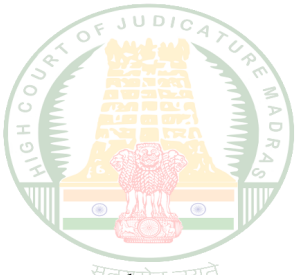
Sd/-

21/04/2025

/ TRUE COPY /

/05/2025

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



CRL.OP(MD). No.7032 of 2025

pal
WEB COPY
TO

- 1.THE JUDICIAL MAGISTRATE, KADALADI, RAMANATHAPURAM DISTRICT,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3.THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
SAYALKUDI, RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7032 of 2025
Date :21/04/2025

RK(12/05/2025) 7P / 5C

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