



CRL OP(MD). No.7161 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Petchimuthu

2.Leethiyal

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
(Crime No. 202 of 2025).

... Respondent/Complainant

For Petitioner : MR.R.N.Dilipan Pandiyan
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 202 of 2025 on the file of the respondent-Police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 17.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/A1 & A2 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 109 and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.202 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a land dispute pending between the parties. Due to which, on 08.04.2025, at about 06.30 p.m., the petitioners abused the defacto complainant in filthy language and also attacked him with knife on his neck, thereby causing grievous injuries. They also threatened the defacto complainant with dire consequences. Hence, the complaint.

4. Mr.R.N.Dilipan Pandiyan, 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 they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He further submits that the petitioners and



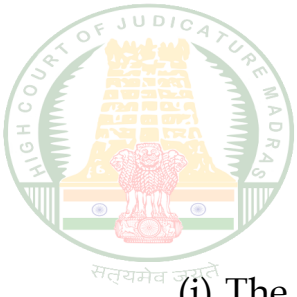
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the defacto complainant are adjacent land owners. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that due to the land dispute between the parties, the occurrence had taken place. He further submits that due to injuries the defacto complainant was admitted in the hospital on 08.04.2025 and discharged on 10.04.2025. He further submits that there is no previous case pending against the petitioners. However, he prays to dismiss this Criminal Original Petition.

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

7. In view of the nature of the offence allegedly committed by the petitioners, and considering the fact that the petitioners and the defacto complainant are adjacent land owners, this Court is of the view that the custodial interrogation of the petitioners is not necessary for the investigating agency in this case. Further, the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the above and taking note of the fact that there are no previous cases against the petitioners, and also 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:



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(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 No.V, Tirunelveli 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 No.V, Tirunelveli District,;

(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 No.V, Tirunelveli District, 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 police as and when required;

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

(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



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dissuade them from disclosing such facts to the Court or to any police officer;

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

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.V, Tirunelveli District,;

(ix) The petitioners shall not enter into the defacto complainant's house or work place; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.V, Tirunelveli District, 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/her 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*.

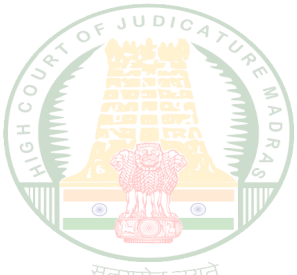
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22/04/2025

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

VSG

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TO
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- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
MUNNEERPALLAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SURESH, Advocate (SR-4670[I] dated 24/04/2025)

ORDER
IN
CRL OP(MD) No.7161 of 2025
Date :22/04/2025

SS/SAR- /27/05/2025/ 6P/6C

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