



CRL OP(MD). No.7374 of 2025

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

Date : 24.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7374 of 2025

1.Abinaya
2.Murugan
3.Kamaiyan

... Petitioners/ Accused Nos.7 to 9

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Sedapatti Police Station,
Madurai District.
Crime No.46 of 2025

... Respondent/ Complainant

For Petitioners : Mr.G.Rajan

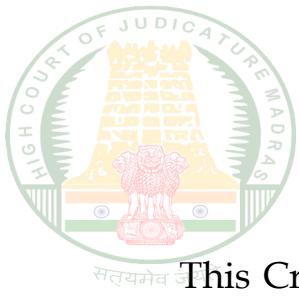
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.46 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



CRL OP(MD). No.7374 of 2025

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This Criminal Original Petition has been filed by the petitioners on 21.04.2025 under Section 482 of 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 alleged offences punishable under Sections 191(2), 296(b), 115(2) and 118(1) of Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.46 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 02.04.2025, at about 09.00 p.m., when the defacto complainant was waiting for Bus in Ayothipatti Bus Stop, the accused persons assaulted him with hand and sharp edged stone. When the defacto complainant's mother came to the spot, all the accused persons abused her in filthy language and attacked with hands and made life threat. Hence, the case.

4. Mr.G.Rajan, learned counsel appearing for the petitioners does not press the petition qua second petitioner. To that effect, he has made an endorsement in the case file and the same is extracted hereunder:



CRL OP(MD). No.7374 of 2025

WEB COPY

"I may be permitted to not press insofar second petitioner"

5. In view of the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as not-pressed qua second petitioner.

6. However, as far as petitioners 1 and 3 are concerned, the learned counsel submits that they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He however submits that the petitioners 1 and 3 are ready to abide any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners 1 and 3.

7. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant was admitted in the hospital on 02.04.2025 and discharged on 19.04.2025. He prays to dismiss this Criminal Original Petition.

8. Heard on both sides. This Court has perused the records including the First Information Report.



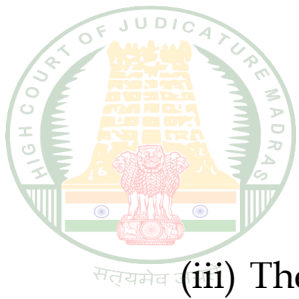
CRL OP(MD). No.7374 of 2025

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9. The first petitioner is a 20 years old woman and the third petitioner is a 68 years old man. Considering the same and also considering the overt act and the nature of the offences allegedly committed by the petitioner 1 and 3 and with a view to give an opportunity to them to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners 1 and 3 subject to the following conditions:

(i) The petitioners 1 and 3 shall be released on bail in the event of their arrest or in the event of their surrender before the learned District Munsif cum Judicial Magistrate, Peraiyur, 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 District Munsif cum Judicial Magistrate, Peraiyur;

(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 identity proof of each surety to ensure their identity;



CRL OP(MD). No.7374 of 2025

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(iii) The petitioners 1 and 3 shall make themselves available for interrogation by police as and when required;

(iv) The petitioners 1 and 3 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 them from disclosing such facts to the Court or to any police officer;

(v) The petitioners 1 and 3 shall not leave India without prior permission of the Court;

(vi) Thereafter, the petitioners 1 and 3 shall appear and sign before the learned District Munsif cum Judicial Magistrate, Peraiyur on all working days at 10.30 a.m. until further orders;

(vii) The petitioners 1 and 3 shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Peraiyur;

(viii) The petitioners 1 and 3 shall not enter into the defacto complainant's house or workplace;

(ix) The petitioners 1 and 3 shall not try to contact the defacto complainant either directly or through any electronic mode;

(x) The petitioners 1 and 3 shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses, and shall not tamper the evidence; and

(xi) On breach of any of the aforementioned conditions, concerned Magistrate



CRL OP(MD). No.7374 of 2025

or Trial Judge as the case may be, is entitled to pass appropriate orders against the
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petitioners 1 and 3 in accordance with law as if the aforementioned conditions are
imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State
of Kerala [(2005) 13 SCC 283].

10. Accordingly, this Criminal Original Petition is allowed subject to the
conditions stated supra qua the petitioners 1 and 3 and dismissed as not-pressed
qua the second petitioner.

sd/-
24/04/2025

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

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TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAIYUR.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



CRL OP(MD). No.7374 of 2025

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3.THE SUB INSPECTOR OF POLICE,
SEDAPATTI POLICE STATION,
MADURAI DISTRICT.

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

+1 CC to M/s.G.RAJAN, Advocate (SR-4756[I] dated 25/04/2025)

ORDER
IN
CRL OP(MD) No.7374 of 2025
Date :24/04/2025

VN /28.05.2025 7P/6C

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