



CRL OP(MD). No.7365 of 2025

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

Date : 23/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7365 of 2025

1. Muthuram
2. Sakthimuni
3. Ponmani
4. Mugesh Kannan

... Petitioners/ Accused No.(1) to (4)

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Peraiyur Police Station,
Madurai District.
(In Crime No.54 of 2025).

... Respondent/Complainant

For Petitioners : Mr.K.Rajeshwaran
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.54 of 2025 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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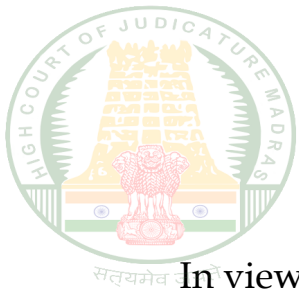
This Criminal Original Petition has been filed by the petitioners on 21.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / Accused Nos. 1 to 4 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 126(1), 296(b), 115(2), 132(1), 351(3) of BNS, 2023 in Crime No.54 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 12.04.2025 at about 11.30 p.m., the de-facto complainant was called by A1 under the pretext of resolving a prior dispute. When he reached the vicinity of Kumarapuram School, A1 to A4 surrounded him, abused him and assaulted him with knives and wooden sticks. Hence the case.

4. Today, when the matter was taken up for hearing, Mr.K. Rajeshwaran the learned counsel appearing for the petitioners, seeks permission of this Court to withdraw this petition as against the 1st petitioner and he has also made an endorsement to that effect, which reads as follows:

“permitted to withdraw with regarding the 1st petitioner alone.”



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In view of the same, this Criminal Original Petition is dismissed as withdrawn as against the 1st petitioner.

5. As far as the petitioners 2 to 4 is concerned, the learned counsel for the petitioners submits that they are innocent persons, and they have not committed any offence as alleged by the prosecution, and 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 therefore prays for grant of pre-arrest bail to the petitioners 2 to 4.

6. Mr.S.S.Manoj, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioners 2 and 4 and that there is one previous case pending against the 3rd petitioner. He further submits that the injured was admitted in the hospital on 12.04.2025 and discharged on 15.04.2025. He further submits that the investigation of the case is still pending and, thereafter, at this stage of investigation, if pre-arrest bail is granted to the petitioners 2 to 4, they may cause threat to the defacto complainant and other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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8. Considering the fact that the injured has been discharged from the hospital and in view of the nature offence alleged against the petitioners 2 to 4, this Court is of the view that custodial interrogation of the petitioners 2 to 4 is not necessary in this case. The petitioners 2 to 4 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 2 to 4, and with a view to give an opportunity to the petitioners 2 to 4 to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners 2 to 4 subject to the following conditions:

(i) The petitioners 2 to 4 shall be released on pre-arrest 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 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 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 the learned District Munsif – cum - Judicial Magistrate,



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

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(iii) The petitioners 2 to 4 shall appear and sign before the respondent - police daily at 10.00 am until further orders;

(iv) The petitioners 2 to 4 shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners 2 to 4 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 2 to 4 shall not leave India without the previous permission of the Court.

(vii) The petitioners 2 to 4 shall not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioners 2 to 4 shall furnish his residential address and mobile number to the learned District Munsif – cum - Judicial Magistrate, Peraiyur.

(ix) On breach of any of the aforementioned conditions, the learned District Munsif – cum - Judicial Magistrate or the Trial Judge as the case may be, Peraiyur, is entitled to pass appropriate orders against the petitioners No.2 to 4 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].



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9. Accordingly, this Criminal Original Petition is allowed insofar as the petitioners No.2, 3 and 4 subject to the conditions stated supra and dismissed as withdrawn in respect of the petitioner No.1.

sd/-
23/04/2025

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

TRP

TO

1. The District Munsif – cum - Judicial Magistrate, Peraiyur
 2. Do-Through The Chief Judicial Magistrate,
Madurai District.
 3. The Inspector of Police,
Peraiyur Police Station,
Madurai District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.RAJESHWARAN, Advocate (SR-4767[I] dated 25/04/2025)

ORDER

IN

CRL OP(MD) No.7365 of 2025

Date :23/04/2025

MK/SAR /15.05.2025 6P/6C

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