



CRL OP(MD). No.7513 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Manoj @ Manoj Kumar

2.Manjula @ Manju

3.Gowri

4.Malar @ Karpaga Malar

5.Meenatchi @ Madurai Meenatchi

... Petitioners/ Accused Nos.1, 2, 4 to 6

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Rajapalayam South Police Station,
Virudhunagar District.

Crime No.207 of 2025

... Respondent/Complainant

For Petitioners : Mr.K.Muthurakkan

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

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



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PRAYER :-
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For Anticipatory Bail in Crime No.207 of 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 22.04.2025 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 offences punishable under Sections 191(2), 296(b), 118(1), 351(3) and 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.207 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, his first wife and his first wife's children are having dispute regarding a property. Third petitioner is daughter and petitioners 1 and 2 are grandson and granddaughter of defacto complainant. Petitioners 4 and 5 are close relatives of defacto complainant. While so, on 13.04.2025, at about 05.00 p.m., the petitioners and other accused persons came to the defacto complainant's house, abused him in filthy language, attacked him and his son, and also threatened them with dire consequences. Hence, the case.



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4. Mr.K.Muthurakkan, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against them. He however submits that the petitioners are ready to abide any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant sustained simple injury and was treated as an out patient. He further submits that the fourth petitioner / A5 has one previous case and other petitioners have no previous case. He further submits that the present crime number and Crime No.208 of 2025 on the file of the respondent-Police are counter cases. However, he prays to dismiss this Criminal Original Petition.

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

7. It appears that the defacto complainant and the petitioners are close relatives and there is a family dispute existing between them. The defacto complainant /



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victim was treated as an out patient. Considering the same and the nature of dispute between the parties, this Court is of the opinion that custodial interrogation of the petitioners is not necessary for the investigation agency. Further, the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the totality of the circumstances 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 bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Rajapalayam, Virudhunagar 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, Rajapalayam, Virudhunagar 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 shall obtain a copy of any one identity proof of each surety to ensure their identity;



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

(iv) 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 them from disclosing such facts to the Court or to any police officer;

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

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

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Rajapalayam, Virudhunagar District;

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

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

(x) The petitioners 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 or Trial Judge 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



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by them 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/-
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.

MBI

TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
RAJAPALAYAM SOUTH POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.K.MUTHURAKKAN, Advocate (SR-4726[I] dated 24/04/2025)



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ORDER

IN

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Date :24/04/2025

SS/SAR- /26/05/2025/ 7P/6C

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