



CRL OP(MD). No.8104 of 2025

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

Date : 30.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.8104 of 2025

Yogabalan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thenkarai Police Station,
Theni District.
Crime No.66 of 2025

... Respondent/Complainant

For Petitioner : Mr.B.Arun

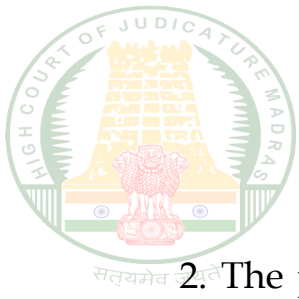
For Respondent : Mr.M.Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.66 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 petitioner on 28.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL OP(MD). No.8104 of 2025

WEB COPY

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 324(4), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.66 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant used to talk to A1's wife, which ended up in misunderstanding. Due to the same, the petitioner and A1 abused the defacto complainant in filthy language and also assaulted him. Hence, the case.

4. Mr.B.Arun, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.M.Karunanithi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant was admitted in the hospital on 01.02.2025 and discharged on 07.02.2025. Therefore, he prays to dismiss this Criminal Original Petition.

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



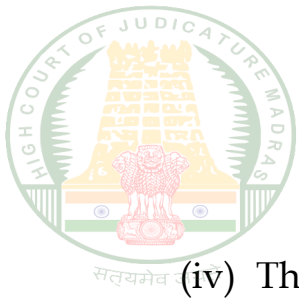
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7. Considering the fact that the injured has been discharged from the hospital and taking note of the fact that the petitioner has permanent residence and deep roots in the Society and therefore, there is less possibility of absconding and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Periyakulam, Theni 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Periyakulam, Theni 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;

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



CRL OP(MD). No.8104 of 2025

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(iv) The petitioner 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;

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

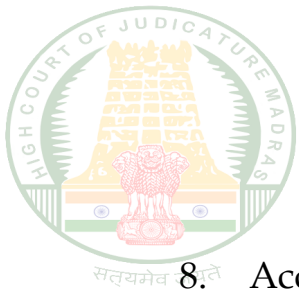
(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Periyakulam, Theni District;

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

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

(x) 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 petitioner 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].



CRL OP(MD). No.8104 of 2025

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

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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 Judicial Magistrate, Periyakulam, Theni District.
 - 2.Do through the Chief Judicial Magistrate, Theni District.
 - 3.The Inspector of Police, Thenkarai Police Station, Theni District.
 - 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.B.ARUN, Advocate (SR-5264[I] dated 30/04/2025)

ORDER IN
CRL OP(MD) No.8104 of 2025
Date :30/04/2025

PP/28.05.2025 5P/6C

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