



CRL OP(MD). No.7752 of 2025

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

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. G.Murugan
2. M.Suriyapandi
3. K.Muthukumar
4. M.Velmurugan

... Petitioners/ Accused Nos.1,2, 5 & 6

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sedapatti Police Station,
Madurai District,
In Cr.No.44 of 2025.

... Respondent/ Complainant

For Petitioners : Mr. V.Muthu Kamatchi
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.44/2025 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 24.04.2025 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.1,2, 5 & 6 apprehend arrest at the hands of the respondent- police for the alleged offences punishable under Sections 191(2), 191 (3), 296(b), 115(1), 118(1), 109(1) of BNS, 2023, and Sections 7 and 27(1) of Arms Act, 1959, in Crime No.44 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 03.04.2025, at about 10.30 pm, the defacto complainant and his relatives were standing in Tea Stall, at that time, the accused persons came to the spot and abused him in filthy language and also attacked with deadly weapons. Hence, the case.

4. Mr.A. Muthu Kamatchi, the learned counsel for the petitioners, submits that the petitioners are innocent persons, that they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He



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further submits that the it is a case in counter and the petitioners are ready to abide any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that it is a case in counter and the injured was discharged from the hospital. He further submits that the investigation of the case is pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, 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 offence alleged against the petitioners and also considering the fact that the injured was discharged from the hospital and that it is a case in counter, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding.



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Considering the above, 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 District Munsif – cum - Judicial Magistrate, Peraiyur, Madurai 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) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsif – cum - Judicial Magistrate, Peraiyur, Madurai 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 District Munsif – cum - Judicial Magistrate, Peraiyur, Madurai District, shall obtain a copy of any one identity proof of each surety to ensure their identity.

(iii) The petitioners shall stay at Chennai, and appear and sign before the Inspector of Police, Town Police Station, Salem daily at 9.00 and 6.00 pm until



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further orders.

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

(v) 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.

(vi) The petitioners shall also not directly or indirectly cause any threat to the defacto complainant and witnesses, not tamper with evidence. Further, the petitioners should not enter into the Sedapatti Village, without prior permission from the learned District Munsif - cum - Judicial Magistrate, Peraiyur, Madurai District until further orders.

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

(viii) The petitioners shall furnish their residential address and mobile number



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to the learned District Munsif – cum - Judicial Magistrate, Peraiyur, Madurai District.

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(ix) On breach of any of the aforementioned conditions, the learned District Munsif – cum - Judicial Magistrate, Peraiyur, Madurai District 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 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/-
28/04/2025

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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, MADURAI DISTRICT.



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

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

4 THE INSPECTOR OF POLICE
TOWN POLICE STATION, SALEM.

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

+1 CC to M/s.V.MUTHUKAMATCHI, Advocate (SR-4936[I] dated 28/04/2025)

ORDER

IN

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Date :28/04/2025

HPS/21.05.2025 /7P/7C

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