

CRL OP(MD). No.7874 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2025

PRESENT
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mohammed Riyaz

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thallakulam Police Station,
Thallakulam,
Madurai City.
(In Crime No.191 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.R.Bharath

Advocate

For Respondent : Mr.S.Manoj,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.191 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 25.04.2025

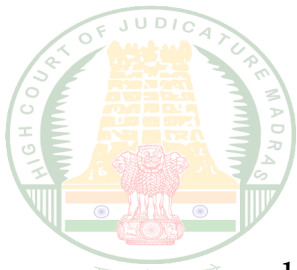


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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant
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an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 191(2), 296(b), 115(2), 351(2), 49 and 303(2) of BNS, 2023 in Crime No.191 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that there was a dispute between the defacto complainant's father and one Eswari regarding a payment in a self-help group. On 05.02.2025, a verbal altercation occurred between the defacto complainant's parents, Eswari, Murugeswari, and Manonmani, which was recorded by the defacto complainant. When Eswari asked the defacto complainant to delete the video, he refused. Out of vengeance, on 06.02.2025, at about 09:40 p.m., while the defacto complainant was at his house, seven unknown accused persons arrived and handed him a phone, asking him to speak with Saravanakumar, who is Eswari's son. Over the phone, Saravanakumar threatened the defacto complainant, demanding him to delete the video, abused him in filthy language, and then asked him to pass the phone to the accused persons. Upon receiving the phone, the accused persons attacked the defacto complainant. During the incident, his four grams of gold jewelry, worth approximately Rs.30,000/-, went missing. Some of the accused attempted to attack him with a sword, but upon noticing the presence of CCTV



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cameras and the arrival of neighbors, they fled the scene.

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4. Mr.R.Bharath, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioner. He further submits that the petitioner is ready to abide any conditions to be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that in view of the nature of offence, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and the witnesses. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.

6. Heard the learned counsel on either side and this Court has perused the records.

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the facts and circumstances of the case 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 pre-arrest bail in the event of his arrest or



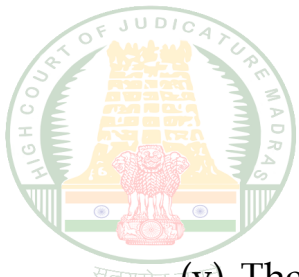
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in the event of his surrender before the learned Judicial Magistrate II, Madurai,
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within a period of 15 days from the date on which the order copy is made ready, on
executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 II, Madurai;

(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 II, Madurai shall obtain a copy of
any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-police weekly
twice (i.e., on Monday and Friday) at 10.00 a.m., until further orders;

(iv) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty
Thousand only) to the credit of Crime No.191 of 2025 on the file of the respondent-
police, before the learned Judicial Magistrate II, Madurai. In turn, the learned
Judicial Magistrate shall deposit the said amount in an interest bearing fixed deposit
in a nationalized Bank initially for a period of one year and renew them
periodically until the final order / judgment is passed in the case in Crime No.191 of
2025. The learned Judicial Magistrate and Trial Court shall pass orders qua
entitlement of the said amount in its final order / judgment;



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

(vi) 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;

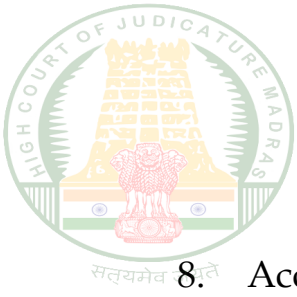
(vii) The petitioner shall not leave India without the previous permission of the Court;

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

(ix) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate II, Madurai; and

(x) The petitioner or his men shall not enter into the house of the defacto complainant or his work place;

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, 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].



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

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Sd/-

29/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai

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TO

- 1.The Judicial Magistrate II,
Madurai.
- 2.Do Through
The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police,
Thallakulam Police Station,
Thallakulam,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.7874 of 2025
Date : 29.04.2025

BV(26/05/2025) 6P/ 5C

<https://www.madurai.gov.in> Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.