



CRL OP(MD). No.7840 of 2025

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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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Siva @ Ayyappan

.. Petitioner/ Accused
rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Palayamkottai Police Station,
Tirunelveli City,
Tirunelveli.
(In Crime No.201 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.M.Jerin Mathew
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.201 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 24.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner / accused rank not known apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2), 118 (1), 49, 351(3) and 303(2) of BNS, 2023 in Crime No.201 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to property dispute, on 17.04.2025 at about 10.30 pm, the petitioner herein and other accused persons waylaid the defacto complainant and attacked him with sickle and also abused him in filthy language and also criminally intimidated him.

4. Mr.M.Jerion Mathew, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. She further submits that the petitioner was not present in the scene of occurrence. She further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner herein and other accused persons attacked the defacto complainant with sickle and the injured was discharged from the hospital. He further submits that it is a case in counter and



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the counter case was registered in Crime No.205 of 2025 on the file of the respondent – Police. He further submits that investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that it is a case in counter, this Court is of the view that the custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of offences allegedly committed by the petitioner 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 in the event of his surrender before the learned Judicial Magistrate No.I, Thirunelveli, 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



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Thousand only) to the satisfaction of the learned Judicial Magistrate No.I,
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Thirunelveli.

(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 No.I, Thirunelveli shall obtain a copy of any one of identity proofs to ensure their identity.

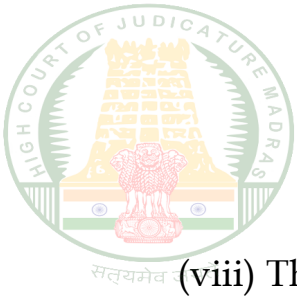
(iii) The petitioner shall appear and sign before the respondent - Police daily at 10.00 am until further orders.

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

(v) 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 police.

(vi) The petitioner shall not leave India without the prior permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not tamper with the evidence.



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(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Thirunelveli.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Thirunelveli is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him 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 Judicial Magistrate No.I, Thirunelveli.
2. Do-Through The Chief Judicial Magistrate,Thirunelveli District.
3. The Inspector of Police,Palayamkottai Police Station,Tirunelveli City,Tirunelveli.



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4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.

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+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-5056[I] dated 29/04/2025)

ORDER

IN

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Date :28/04/2025

PP/21.05.2025 6P/6C

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