



CRL OP(MD). No.9208 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9208 of 2025

and

CRL MP(MD). No.7258 of 2025

1.Spurgen,
S/o.Nallathambi

2.John Victor @ Victor,
S/o.Nelson

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.324 of 2025)

... Respondent/Complainant

For Petitioners : Mr.G.Aravinthan,
Advocate

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

For Intervenor : Mr.R.J.Karthick,
Advocate



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :-

For Anticipatory Bail in Crime No.324 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 126(2), 296(b), 118(1), 115(2) and 351(3) of BNS, 2023 in Crime No.324 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to a motive arising out of a case pending before this Court, on 28.05.2025 at about 11.45 a.m., the petitioners waylaid the de-facto complainant, abused him in filthy language, assaulted him with an iron rod, thereby causing simple injuries, and also threatened him with dire consequences. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons, and are in no way connected with the alleged offence as stated by the prosecution. They have been falsely implicated in this case. He further submitted that the petitioners are ready to abide by any conditions that may be imposed by this



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Court. Hence, he seeks anticipatory bail to the petitioners.

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4. The learned counsel appearing for the intervenor submitted that this is not the first case against the accused, they have several previous cases registered against them. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) submitted that the injured has been discharged from the hospital on 01.06.2025. However, he opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum



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to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.I, Kuzhithurai and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.I, Kuzhithurai. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate No.I, Kuzhithurai;

(c) the petitioners shall report before the respondent police daily twice i.e. at 10.30 a.m. and 05.30 p.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



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(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

sd/-
13/06/2025

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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN
TO

1 THE JUDICIAL MAGISTRATE NO.I
KUZHITHURAI.

5/6



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.ARUN LEGAL CONSULTANCY, Advocate (SR-6343[I] dated
16/06/2025)

ORDER
IN

CRL OP(MD) No.9208 of 2025
Date :13/06/2025

SS/SAR- /23/06/2025/ 6P/6C

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