

CRL OP(MD).No.10044 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10044 of 2025

1.Kamal Mustafa

2.Asarudeen

... Petitioners / A1 and A3

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
(Crime No.42 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.42 of 2025 on the file of the respondent police.

For Petitioners : Mr.S.Nihar Ali,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 115, 118, 296(b), 324(2), 329(3) and 351(3) of the Bharatiya Nyaya Sanhita, 2023, read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.42 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 01.04.2025, the defacto complainant lodged a complaint before the respondent police, stating that he is an agriculturist and has two sons and one daughter. While the situation stood thus, on 31.03.2025 at about 11.00 p.m., the petitioners are alleged to have trespassed into the defacto complainant's house and to have abused and assaulted him. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the petitioners. He would further submit that there no previous cases against the petitioners. Hence, he seeks anticipatory bail to the petitioners.



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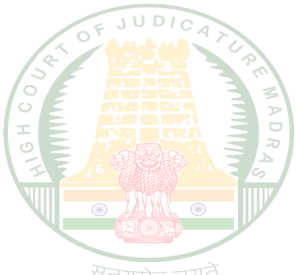
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4. The learned Government Advocate (Criminal Side) would submit that there are totally four accused persons in this case and the petitioners have been arrayed as A1 and A3. He would further submit that the accused persons unlawfully trespassed into the defacto complainant's house and abused and assaulted him. He would further submit that the injured person was admitted to the hospital for treatment and was subsequently discharged. He would further submit that there are no previous cases against the petitioner. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioners at this stage.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and taking into consideration the nature of offence allegedly committed by the petitioners and also taking note that there are no previous cases against the petitioners, 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



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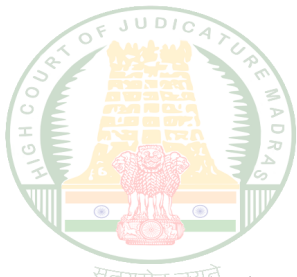
their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Mudukulathur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the Judicial Magistrate, Mudukulathur 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, Mudukulathur. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Mudukulathur.

(c) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

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



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

(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]*.

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

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

sd/-
18/06/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1 THE JUDICIAL MAGISTRATE
MUDUKULATHUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.NIHAR ALI, Advocate (SR-6494[I] dated 19/06/2025)

ORDER
IN

CRL OP(MD) No.10044 of 2025

Date :18/06/2025

SS/SAR- /01/07/2025/ 6P/6C

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