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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.10609 of 2025

Duraisamy,
S/o.Kumar

Vs

... Petitioner/ A1

The State of Tamil Nadu,
Rep. by the Inspector of Police,
K.Paramathi Police Station,
Karur District.
(Crime No.47 of 2025)

... Respondent/Complainant

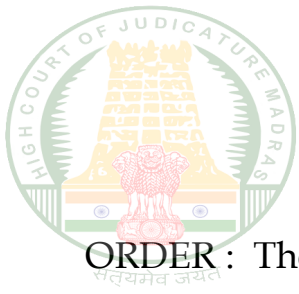
For Petitioner : Mr.B.Santhanam Rajesh Kumar,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.47 of 2025 on the file of the Respondent Police.



ORDER : The Court made the following order :-

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The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(1) and 351(3) of BNS, 2023 r/w. Section 4 of TNPHW Act in Crime No.47 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant and the petitioner are blood relatives. Due to a civil dispute between the two families, on 26.04.2025, the petitioner and his mother, without the consent of the de-facto complainant, removed the boundary stone. When the de-facto complainant questioned this, the petitioner allegedly abused him using filthy language, assaulted him with his hands, and also threatened him with dire consequences. Hence, the present case.

3. The learned counsel for the petitioner submitted that it is a case, case in counter. In fact, on 26.04.2025, at about 08.15 a.m., while the petitioner's mother was standing in front of her house, the de-facto complainant, without any provocation, abused her using filthy language. When she questioned this, the de-facto complainant and his family members allegedly attacked her. When the petitioner



intervened to resolve the issue, they also attacked him. Therefore, a case has been lodged by the petitioner against the de-facto complainant and his family members in Crime No.48 of 2025 on the file of the respondent police. He further submitted that the petitioner is willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that petitioner has been arrayed as A1 in this case. A2 is still absconding. There are no previous cases registered against the petitioner. He further submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and taking note of the fact that there are no previous cases registered against the petitioner, and that as the date of occurrence is 26.04.2025, by this time most of the investigation might have been completed, and that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



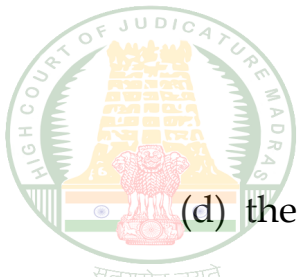
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6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Aravakurichi, Karur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 learned District Munsif cum Judicial Magistrate, Aravakurichi, Karur District and on further conditions that:

(a) the petitioner 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 petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Aravakurichi, Karur District. In the event of any change in his residential address, the petitioner shall report the same to the learned District Munsif cum Judicial Magistrate, Aravakurichi, Karur District;

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



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

(e) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

sd/-
03/07/2025

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

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
ARAVAKURICHI, KARUR DISTRICT.



2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3.THE INSPECTOR OF POLICE,
K.PARAMATHI POLICE STATION,
KARUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.10609 of 2025
Date :03/07/2025

MGJ/18.07.2025 6P/ 5C

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