



CRL OP(MD). No.11978 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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1.S.Muthu @ Esakkimuthu,
S/o.Soundarapandian

2.Siva,
S/o.Soundarapandian

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.461 of 2025)

... Respondent/Complainant

For Petitioners : Mr.V.M.Jegadeesha Pandian,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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For Anticipatory Bail in Crime No.461 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 189(2), 296(b), 118(1) and 351(3) of BNS, 2023 in Crime No.461 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the de-facto complainant is working as an electrician. He and one Roshan are friends. On 15.06.2025, at about 8.00 p.m., Roshan called the de-facto complainant over the phone and asked him to meet at a cemetery located in their locality. The de-facto complainant went to the spot along with his relative. At that time, Roshan, along with the accused persons, was consuming liquor. Upon seeing the de-facto complainant, the petitioners, along with the other accused, surrounded them with deadly weapons. The petitioners caught hold of Roshan and questioned him about money. When the de-facto complainant intervened, the accused attacked Roshan with their hands and a stick and also used filthy language against him. When the de-facto complainant tried to rescue Roshan, the 2nd petitioner attacked him with a sickle and threatened him with dire consequences. Hence, the present case has been registered.



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3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case. He, however, submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail for the petitioners.

4. The learned Government Advocate (Criminal Side) submitted that there are totally seven accused persons in this case, and the petitioners have been arrayed as A1 and A2. He submitted that six previous cases have been registered against the 1st accused and four previous cases against the 2nd accused. He further submitted that the injured has been discharged from the hospital and on the very same day, the injured/de-facto complainant was arrested by the respondent police in connection with Crime No.463 of 2025, for offences under Sections 8(c) and 20(b)(ii)(A) of the Narcotic Drugs and Psychotropic Substances Act, 1985 read with Section 77 of the Juvenile Justice (Care and Protection of Children) Act, 2015. However, he opposed the grant of anticipatory bail to the petitioners.

5. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and considering the fact that the date of occurrence is 15.06.2025 while the FIR was registered only on 23.06.2025, and that by this time most of the



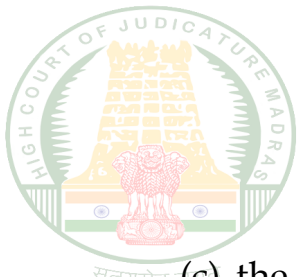
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investigation might have been completed, and also taking note of the fact that the injured has been discharged from the hospital, this court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Tirunelveli, 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 the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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.III, Tirunelveli. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate No.III, Tirunelveli;



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(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;

(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 themselves 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
21/07/2025

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/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.III,
TIRUNELVELI.

<https://www.hmc.tn.gov.in/judis>



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2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.11978 of 2025
Date :21/07/2025

AS/13.08.2025/6P/5C

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