



CRL OP(MD). No.23082 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.12.2024

CORAM  
THE HON'BLE MR. JUSTICE P.DHANABAL

CRL OP(MD). No.23082 of 2024

1.M.Kumar

2.Bruntha Peter

... Petitioners 1 & 2 / Accused 1 & 2

Vs.

The State of Tamil Nadu  
represented by,  
The Inspector of Police,  
All Women Police Station,  
Theni.  
(Crime No.35 of 2024)

... Respondent / Complainant

PRAYER: The Criminal Original Petition is filed under Section 482 of the BNSS praying to grant anticipatory bail to the petitioners in Crime No.35 of 2024 on the file of the respondent police.

For Petitioners : Mr.G.Mohankumar, Advocate

For Respondent : Mr.M.Sakthi Kumar  
Government Advocate  
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 482 of B.N.S.S, 2023



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## **ORDER**

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections (\*) **75, 78, 296(b) and 351(3) of Bharatiya Nyaya Sanhita (BNS)**, in Crime No.35 of 2024, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a money dispute between the petitioners and the defacto complainant. The petitioners are husband and wife. The defacto complainant had borrowed a sum of Rs.6,00,000/- from the petitioners. Due to the non-payment of the said amount, the petitioners are said to have abused the defacto complainant in filthy language and threatened her with dire consequences. Hence, the case.

3. Learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners are law-abiding citizens and they are ready and willing to furnish substantial sureties and to abide by any conditions that may be imposed by this Court; therefore, he prayed to grant anticipatory bail to the petitioners.



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4. Learned Government Advocate (Criminal Side) appearing for the respondent police submitted that, due to money dispute between the parties, the petitioners abused the defacto complainant with filthy language and threatened her with dire consequences. He further submitted that there are no previous cases pending against the petitioners. However, he vehemently opposed the grant of anticipatory bail to the petitioners.

5. Heard the learned counsel on both side and perused the materials available on record.

6. Considering the representation made by both sides, the nature of offences, and also taking into consideration that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on



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which the order copy was made ready, before the learned (\*\*) **Additional Mahila (Judicial Magistrate Level), Theni**, on condition that the petitioner 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 learned Magistrate concerned, and on further conditions that:

[a] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of 30 days;

[b] the petitioners 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 them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[c] the petitioners shall not leave India without the prior permission of the Court;

[d] the petitioners shall not abscond either during investigation or trial.;



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[e] 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];

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS.

sd/-  
27/12/2024

**(\*) (\*\*) Amended as per order of the Court dated 22.01.2025 in CrI.M.P(MD). No.686 of 2025 in CrI.O.P(MD).No.23082 of 2024.**

**Time is extended by one week from the date of receipt of a copy of this order to comply the order of this Court in CrI.O.P. (MD).No.23082 of 2024 dated 27.12.2024.**

/ TRUE COPY /

/02/2025

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



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To  
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**(\*)To be Substituted to the order already despatched on 06.01.2025**

1 THE ADDITIONAL MAHILA (JUDICIAL MAGISTRATE LEVEL) THENI.

2 DO -THROUGH- THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.

3. THE JUDICIAL MAGISTRATE NO.II, SIVAKASI,

4 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

5. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, THENI.

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

+1 CC TO Mr.G.MOHANKUMAR, ADVOCATE, SR.NO.635, dated 22.01.2025

ORDER IN  
CRL OP(MD) No.23082 of 2024  
Date :27/12/2024

RK/SKN (03/01/2025) 6P / 5C

ES/SKN/18.02.2025/6P/8C

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