



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.1361 of 2025

1. Allah Pitchai,
S/o. Sindha Madhar,
22 Perumal Street,
Pathamadaai Ambasamudram,
Tirunelveli District.

2. Shaik Sindha,
S/o. Kani Malukkamali,
236 Angappan Street,
Mannady, Chennai District.

... Petitioners/ Accused No.1 and 2

Vs

The State of Tamilnadu,
Rep. By. the Inspector of Police
Pathamadaai Police Station,
Tirunelveli District.
In Crime No.21 of 2025.

... Respondent/ Complainant

For Petitioners : Mr.Kumar,
Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)



WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.21/2025. on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the respondent Police for offences under Sections 296(b) and 115(2) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.21 of 2025 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that there was previous enmity between the parties and the accused persons are said to have abused the defacto complainant in filthy language and attacked with hands and caused threat. There are totally four accused persons in this case and the petitioners have been arrayed as Accused Nos.1 and 3. It is brought to the notice of this Court that Accused Nos.2 and 4 have already been arrested in this case.

3. Heard the learned counsel on either side.



WEB COPY

4. Taking into consideration the facts and circumstances of the case and considering the manner in which this incident had taken place and taking note of the fact that the injured has been discharged and there are no previous cases against the petitioners and also considering the fact that there is a case and counter case pending investigation before the respondent Police in Crime Nos.20 and 21 of 2025, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

5. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of 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, Cheranmahadevi, Tirunelveli District 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.



WEB COPY

[b] the petitioners shall report before the respondent police as and when required for interrogation;

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial;

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

[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 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;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

Sd/-
24/01/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai -625 023

tsg



TO
WEB COPY

- 1 THE JUDICIAL MAGISTRATE,
CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH- THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PATHAMADAI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1361 of 2025
Date :24/01/2025

ES/SKN/SAR /07.02.2025/ 5P/5C

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