



CRL OP(MD). No.1603 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/01/2025

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.1603 of 2025

1. M.Lawrance

2. Mohanasundari.L

3. Rosily Muthaiyan

... Petitioners

Vs

The State of Tamilnadu,
Rep. By. the Sub Inspector of Police,
Thuckalay Police Station,
Kanniyakumari, Tamilnadu
Crime No.736/2024.

... Respondent

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

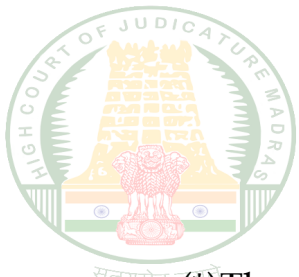
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.736/2024 on the file of the Respondent Police

ORDER : The Court made the following order :-

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



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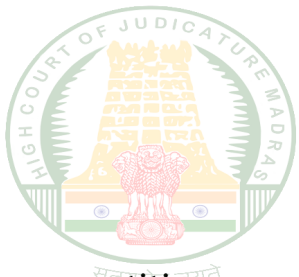
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(*)The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 296(b), 351(2) of the Bharatiya Nyaya Sahita (BNS), 2023 (hereinafter referred to as new penal code) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.736 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners had filed a suit for partition and the same was pending in O.S.No.16 of 2023 on the file of the District Munsif Court, Padmanabhapuram. The matter was referred to Lok Adalat on 14.12.2024 for settlement. Since no settlement was arrived at, when the defacto complainant was coming out of the premises, the petitioners are said to have abused her in filthy language and attempted to assault her with hands and threatened with dire consequences.

3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police.

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 no serious injuries were sustained by any one and there is already a civil suit pending between the parties, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, this criminal original petition is ordered and the



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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 No.I, Padmanabhapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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.

[b] 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.

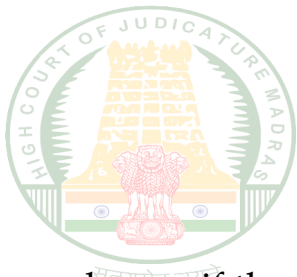
[c] the petitioners shall report before the respondent police as and when required for interrogation.

[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



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law as if the conditions have been imposed and the petitioners released on bail by the
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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 absconds, a fresh FIR can be registered under
Section 269 of BNS 2023.

sd/-
28/01/2025

(*)Corrected as per order of this Hon'ble Court
in CRL OP(MD).1603/2025 dated 10.03.2025

The time granted by this Court is extended for
a period of one week from the date of receipt
of copy of this order.

/ TRUE COPY /

12/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR

TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
21/02/2025

1 THE JUDICIAL MAGISTRATE NO.I, PADMANABHAPURAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE SUB INSPECTOR OF POLICE, THUCKALAY POLICE STATION,
KANNIYAKUMARI, TAMILNADU



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

+1 CC to M/s.PRAKASH ADIAPADAM, Advocate (SR-977[I] dated 28/01/2025)

ORDER

IN

CRL OP(MD) No.1603 of 2025

Date :28/01/2025

RK/SKN (19/02/2025) 5P / 6C

RS/IT (12/03/2025) 5P / 6C

Madurai Bench of Madras High Court is issuing
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