



CRL.OP(MD). No.1734 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.1734 of 2025

Piramanayagam

... Petitioner/Sole Accused

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Vadaseri Police Station,
Vadaseri, Kanayakumari District.
Crime No.211 of 2024

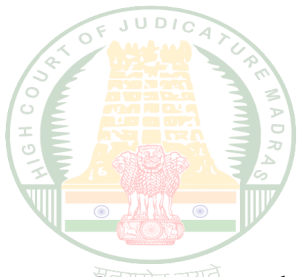
... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to release the petitioner on bail in
the event of his arrest in connection with Crime No.211 of 2024 on the file of the
Inspector of Police, Vadaseri Police Station, Vadaseri, Kanayakumari District,
forthwith.

For Petitioner : Mr.S.Palanivelayutham

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For Intervenor : Mr.C.Mayilvahana Rajendran



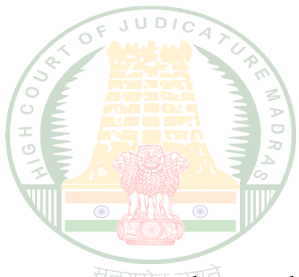
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ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 27.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The respondent-police registered a case against the petitioner in Crime No.211 of 2024 on the file of the Vadaseri Police Station, for the offence punishable under Sections 465, 467, 469, 471 and 420 of IPC.

3. The petitioner herein moved an application under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, claiming to grant pre-arrest bail to him. After hearing both sides, that petition was dismissed by the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil, vide order dated 22.07.2024, in Crl.M.P.No.2866 of 2024. Thereafter, the defacto complainant filed W.P(MD).No.14197 of 2024 praying to direct the Inspector of Police, Vadaseri Police Station, Kanyakumari District, to conduct preliminary enquiry on his complaint dated 25.10.2023 and take further action. The said writ petition was disposed of, vide order dated 24.07.2024. Again, the petitioner moved petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, in Crl.M.P.No.3145 of 2024 before the learned Principal Sessions Judge, Kanniyakumari District at Nagercoil and the same was allowed on 23.08.2024 subject to condition. Further, the petitioner



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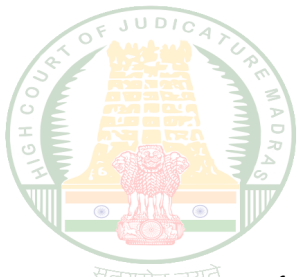
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moved another application in Crl.M.P.No.3480 of 2024 seeking modification of the condition imposed in Crl.M.P.No.3145 of 2024 and the same was ordered on 19.09.2024 and the condition was modified. Thereafter, the petitioner filed another miscellaneous petition to modify the condition imposed in Crl.M.P.No.3480 of 2024 and the petition was allowed and condition imposed in the main petition was relaxed totally.

4. In the meantime, the defacto complainant, namely, Joseph filed Crl.O.P (MD).No.21830 of 2024 under Section 482 of the code of Criminal Procedure to cancel the anticipatory bail ordered by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, in Crl.M.P.No.3145 of 2024, dated 23.08.2024. This Court, after hearing both sides, vide order dated 21.01.2025, allowed the said criminal original petition and thereby, cancelled the order passed in Crl.M.P.No.3145 of 2024, dated 23.08.2024, by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil.

5. Now, the petitioner filed this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, seeking an order of pre-arrest bail.

6. The learned counsel for the petitioner submits that after filing the writ petition, the respondent-police registered a case in Crime No.211 of 2024 against the petitioner. Thereafter, the petitioner challenged the order passed in W.P(MD).



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No.14197 of 2024 and the same was stayed by the Hon'ble Apex Court. Hence, the continuous of the criminal case itself void. In view of the order passed in Crl.O.P (MD).No.21830 of 2024, the petitioner has apprehension of arrest at the hands of the respondent-police. Hence, the present petition is maintainable. Accordingly, he prays to grant pre-arrest bail in favour of the petitioner.

7. The learned Additional Public Prosecutor draws attention of this Court to paragraph No.16 of the order passed in W.P(MD).No.14197 of 2022 and submits that the Hon'ble Apex Court has granted limited stay, in view of the observation made in para 16 of the aforesaid order. He further submits that the petitioner filed numerous cases, without any due authorization and instructions. In view of the facts and circumstances, the custodial interrogation of the petitioner is necessary to unearth the truth. Accordingly, he prays to dismissal of this petition. He further submits that the order passed in Crl.O.P(MD).No.21830 of 2024 reached finality and the petitioner did not take steps to challenge the said order. Hence, this petition under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, is not maintainable.

8. This Court has considered the submission on both sides.

9. In view of the above, this Court is of the opinion that since the anticipatory bail order has been cancelled vide order dated 21.01.2025 in Crl.O.P(MD).No.21830



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of 2024, this anticipatory bail application is not maintainable in law. Hence, this
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Court, without going into the merits of the matter, dismissed this Criminal Original
Petition as not maintainable.

sd/-
17.03.2025

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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

1.The Inspector of Police,
Vadaseri Police Station,
Vadaseri, Kanayakumari District.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.1734 of 2025
17.03.2025

SL(25.03.2025)/ 5P/ 3C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.