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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 10/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.1884 of 2025

Esakkimuthu

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Manur Police Station,
Tirunelveli District.
Crime No.73 of 2025

... Respondent/Complainant

For Petitioner : Mr.P.Veerapandi, Advocate.
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

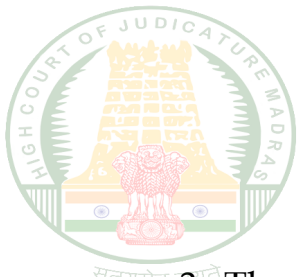
PRAYER :-

For Bail in Crime No.73 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/sole accused was arrested and remanded to judicial custody on 17.01.2025 for the alleged offences punishable under Sections 296(b) and 351(3) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 @ 296(b), 351(3), 75 of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.73 of 2025 on the file of the respondent police.



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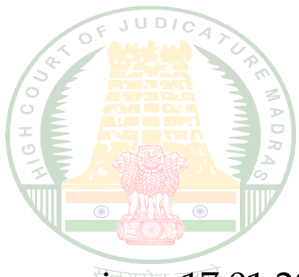
3. The case of the prosecution is that while the defacto complainant was 17 years old, both the petitioner and the defacto complainant were in love with each other. The petitioner is a married man and has two children. Later, the parents of the defacto complainant arranged her marriage to another man. On 17.01.2025, the petitioner came to her house and threatened her with dire consequences. Hence, the complaint.

4. Mr.P.Veerapandi, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and a false case has been registered against the petitioner. He further submits that the petitioner has been in judicial custody since 17.01.2025 and he is ready to abide by any stringent conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. side) appearing for the respondent-police, submits that the mobile phone of the petitioner was seized and the investigation of the case is pending. He further contends that if the petitioner is released on bail, he may cause threat to the defacto complainant. Hence, he prays for dismissal of this petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner was arrested on 17.01.2025 and he has been in incarceration



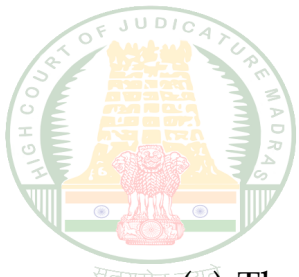
since 17.01.2025. On perusing the records, it reveals the fact that the petitioner is a
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married man and he has two children. The petitioner has permanent residence and deep roots in the society. With a view to give one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.V, Thirunelveli. Among two sureties, one should be a blood relative;

(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.V, Thirunelveli, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the aforesaid Judicial Magistrate;

(iv) The petitioner shall stay at Madurai and appear and sign before the Othakadai Police Station, Madurai District daily at 10.00 a.m., and 05.30 p.m., until further orders;



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(v) The petitioner should not enter into the defacto complainant's house or her work place.

(vi) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not try to contact the defacto complainant or her relatives either directly or through any electronic modes and shall not tamper the evidence; and

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.V, Thirunelveli is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
10/02/2025

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10/02/2025

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

TRP



TO
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1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE SUPERINTENDENT, CENTRAL JAIL, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE, MANUR POLICE STATION,
TIRUNELVELI DISTRICT.

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

COPY TO

THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-1553[I] dated 10/02/2025)

ORDER
IN

CRL OP(MD) No.1884 of 2025

Date :10/02/2025

RS/IT/SAR-(10.02.2025) 5P 8C

Madurai Bench of Madras High Court is issuing
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