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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.1879 of 2025

Tamilselvi

... Petitioner/ Accused 2

Vs

The State of Tamilnadu,
Rep. By. the Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
Crime No.19/2025.

... Respondent/Complainant

For Petitioner : Mr.A.Ganesan

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-33AB. For Anticipatory Bail in Crime No.19/2025 . on the file of the Respondent

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



Police
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) Act, 2023 praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(3) of Bharatiya Nyaya Sanhita (BNS) Act, 2023 and Section 4 of TN Prohibition of Harassment of Women Act in Crime No.19 of 2025 on the file of the respondent police.

3. The case of the prosecution is that due to domestic as well as property dispute, the defacto-complainant's wife attacked the petitioner with Arival and therefore, the petitioner attached the defacto-complainant. Hence, this counter case.

4. Ms.B.Bhuvaneshvari, the learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. Hence, she prays for grant of anticipatory bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent Police submits that no previous case is pending against the petitioner and the injured was admitted in the hospital on 25.01.2025 and also



discharged on 29.01.2025.

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

7. The petitioner has permanent residence and hence, there is less possibility of absconding and no previous case is pending against the petitioner. Considering the facts and circumstances of the case and the facts that the petitioner and the defacto-complainant are relatives and the injured was discharged from the hospital, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Additional Judge, Additional Mahila Court, Sivagangai, within a period of 15 days from the date of receipt of a copy of this order, on executing a bond for a sum of 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 Additional Judge, Additional Mahila Court, Sivagangai.

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police twice a week i.e., Monday and Friday at 10.00 a.m., until further orders;

(iii) 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

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



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Practice, 2019]. The learned Additional Judge shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish her residence, address and mobile number to the learned Additional Judge, Additional Mahila Court, Sivagangai.

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto-complainant and witnesses and shall not tamper the evidence;

(vi) On breach of any of the aforementioned conditions, the learned Additional Judge, Additional Mahila Court, Sivagangai, or Trial Court as the case may be, 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/-
03/02/2025

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



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TO

1 THE ADDITIONAL JUDGE,
THE ADDITIONAL MAHILA COURT
SIVAGANGAI.

2 THE INSPECTOR OF POLICE,
MADAGUPATTI POLICE STATION, SIVAGANGAI
DISTRICT.

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

+1 CC to M/s.A.GANESAN, Advocate (SR-1323[I] dated 03/02/2025)

ORDER

IN

CRL OP(MD) No.1879 of 2025

Date :03/02/2025

NBF / SKN / SAR- (05/02/2025) 5P / 5C

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