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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2100 of 2025

- 1.Chelladurai
- 2.Alagammal
- 3.Chitra
- 4.Balamurugan
- 5.Valliyappan

... Petitioners/ Accused Nos.1, 3 to 6

Vs

The Inspector of Police,
Natham Police Station,
Dindigul District.
Crime No.46 of 2025

... Respondent/Complainant

For Petitioners : Mr.K.R.Badurus Zaman

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.46 of 2025 on the file of the respondent-Police.

ORDER :- The Court made the following order :-

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



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This Criminal Original Petition has been filed by the petitioners on 30.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 191(2), 296(b), 115(2), 118(1), 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2013 in Crime No.46 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that due to previous enmity and family dispute, on 28.01.2025, the petitioners trespassed into the defacto-complainant's house and attacked her and abused her in filthy language. Hence, the case.

4. Mr.K.R.Badurus Zaman, learned counsel appearing for the petitioners submits that the petitioners were arrayed as accused falsely. The petitioners did not commit any offence. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the defacto complainant was admitted in the hospital on 28.01.2025 and got discharged on 02.02.2025. The defacto complainant sustained grievous injury. The petitioners 1 and 2 each have one previous case. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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7. The petitioner and the defacto complainant have a property dispute. This case and the Crime No.45 of 2025 are cases in counter. The defacto complainant was admitted in the hospital on 28.01.2025 and got discharged on 02.02.2025. Considering the nature of the offences alleged against the petitioner, considering the fact that the injured has been discharged from the hospital and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District.

(ii) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(iii) The petitioners shall not enter into the defacto complainant's house or her workplace.

(iii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District.

(v) The petitioners 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, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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/-

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



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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
NATHAM,
DINDIGUL DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION,
DINDIGUL DISTRICT.

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

ORDER
IN

CRL OP(MD) No.2100 of 2025
Date :05/02/2025

NBF / SAR- (13/02/2025) 5P/5C

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