



CRL OP(MD). No.2150 of 2025

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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.2150 of 2025

Sulthan

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nachiyarkoil Police Station,
Thanjavur District.
Crime No.748 of 2024

... Respondent/ Complainant

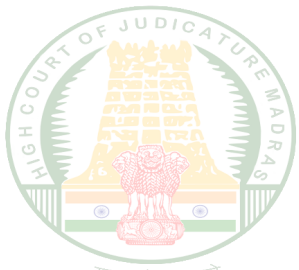
For Petitioner : Mr.R.Gandhi, Senior Advocate
for Mr.K.Althaf Sheriff, Advocate
for M/s.Ajmal Associates

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.748 of 2024 on the file of the respondent-police.



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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 30.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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 333, 296 (b), 118(1), 76, 351(3) and 49 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.748 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that there was a family dispute between the parties. On 30.10.2024, at about 12.00 p.m., when the defacto complainant along with her daughter was preparing savories in her house, A1 entered the house of the defacto complainant and aunt and abused her in filthy language and pushed her in hot oil. On account of which, she sustained burn injuries on the right hand and chest. After that, A2 and A3, who were standing outside came inside and attacked the defacto complainant with hands and legs. While blocking the attack by the children of the defacto complainant, the accused also threatened them with dire consequence.

Hence, the case.

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4. Mr.R.Gandhi, learned Senior counsel appearing for the petitioner submits that the petitioner was arrayed as accused falsely. The petitioner did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioner.

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 30.10.2024 and discharged on 22.11.2024. The petitioner has no previous case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner and the defacto complainant are close relatives. It is stated that the petitioner has no intention to cause injury to the defacto complainant. The petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. The accused persons are close relatives. The defacto complainant was admitted in the hospital on 30.10.2024 and discharged on 22.11.2024. Considering the relationship between the parties and also considering the



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circumstances in which the alleged offences happened, this Court is of the view that custodial interrogation of the petitioner may not be necessary in this case. Hence, 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 Judicial Magistrate No.II, Kumbakonam, 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) 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.II, Kumbakonam.

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

(iii) The petitioner should not enter into the defacto complainant's house or workplace.

(iv) The petitioner should not either directly or indirectly cause threat to the defacto complainant or try to contact the defacto complainant either directly or through any electronic mode.

(v) 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;

(vi) The petitioner shall furnish his residence address and mobile number to the learned Judicial Magistrate No.II, Kumbakonam.

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

(viii) 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 petitioner 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/-
10/02/2025

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

mbi

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- 1.THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM,
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.
 - 3.THE INSPECTOR OF POLICE,
NACHIYARKOIL POLICE STATION,
THANJAVUR DISTRICT
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-1563[I] dated 12/02/2025)

ORDER
IN
CRL OP(MD) No.2150 of 2025
Date :10/02/2025

RK/SKN/ SAR- 1 (19/02/2025) 6P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from
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