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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2220 of 2025

Pal Pandian

... Petitioner/ Accused

Vs

State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.
Crime No.44 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.Jagadeeshwaran

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.44 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 31.01.2025 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 296(b), 118(1) and 351(3) of Bharatiya Nyaya Sanhita (BNS) Act, 2023 read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.44 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 18.01.2025, during night hours, there was a quarrel between the petitioner and his wife, which was attempted to be settled down by their family. At that time, the petitioner attacked the neighbour lady on her head with the billhook, caused injury to her, abused her in filthy language and criminally intimidated with dire consequences. Hence, the case.

4. Mr.R.Jagadeeshwaran, learned 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 treated as an outpatient and no previous case is pending against the petitioner.



Accordingly, he prayed to dismiss the Criminal Original Petition.

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

7. Considering the nature of the offences alleged against the petitioner and also considering the fact that the injured has been treated only as an outpatient, 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, Sivakasi Virudhunagar 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) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the concerned Judicial Magistrate.

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police daily at 10.30 a.m. until further orders;

(iii) The petitioner shall not enter into the defacto complainant's house or her working place.

(iv) 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 shall obtain a copy of any one of
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identity proofs to ensure their identity;

(v) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate.

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

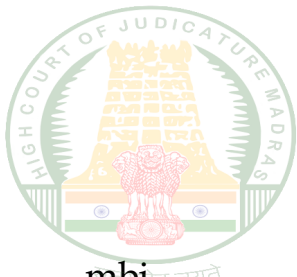
(vii) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
04/02/2025

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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
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1 THE JUDICIAL MAGISTRATE NO.II,
SIVAKASI,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB INSPECTOR OF POLICE,
THIRUTHANGAL POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.R.JAGADEESHWARAN, Advocate (SR-1425[I] dated 06/02/2025)

ORDER
IN
CRL OP(MD) No.2220 of 2025
Date :04/02/2025

NBF / SAR- (18/02/2025) 5P/6C

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