



CRL.OP(MD). No.2232 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2232 of 2025

P.Mariganesh

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Sub-Inspector of Police,
T Ramanathapuram Police Station,
Madurai District.
(Crime No.50 of 2024)

... Respondent / Complainant

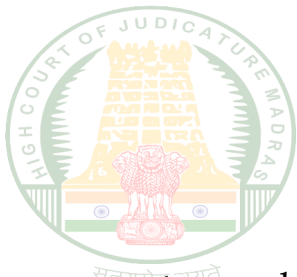
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.50 of 2024 on the file of the respondent police.

For Petitioner : Mr.L.Rajiah, Advocate

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 03.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 333, 351(2) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment Of Women Act, 2002, in Crime No.50 of 2024 on the file of the respondent police.

3. The case of the prosecution is that A1 and the defacto complainant are husband and wife and there was a matrimonial dispute between them. Therefore, the defacto complainant is staying at her parent's house. On 0.12.2024 at about 7.00 p.m., the petitioner (A1) along with other accused person (A2) went to the house of the defacto complainant's parents, attacked the defacto complainant and her family members, abused them in filthy language and threatened with dire consequences.

4. Mr.L.Rajiah, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is willing to abide by any conditions to be imposed by this Court. He further submits that A2 was granted pre-arrest bail by this Court in Crl.OP(MD).No.22415 of 2024 dated 19.12.2024. He therefore prays to grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as Accused No.1. He further submits that there are no previous cases against the petitioner. However, he pointed out that there is an ongoing matrimonial dispute between the family members. Therefore, he contends that, if the petitioner is granted on pre-arrest bail, he will cause threat to the defacto complainant and her family members. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of the dispute between the petitioner and the defacto complainant, the nature of the injury allegedly caused by the petitioner to the defacto complainant and also the fact that it is a 'case in counter' and the petitioner has permanent residence and has deep roots in the society, there is less possibility of absconding, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:



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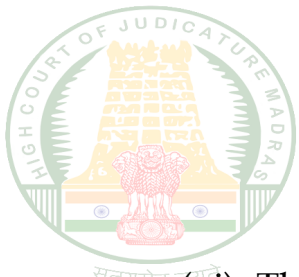
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Usilampatti, Madurai District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Usilampatti, Madurai District.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) Thereafter, the petitioner shall appear before the respondent police as and when required for interrogation since the petitioner is working in army.

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

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



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(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, the learned Judicial 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 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/-
05/02/2025

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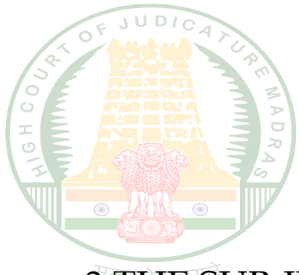
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE NO.II, USILAMPATTI, MADURAI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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3.THE SUB-INSPECTOR OF POLICE,
T RAMANATHAPURAM POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.L.RAJIAH, Advocate (SR-1497[I] dated 07/02/2025)

ORDER
IN

CRL OP(MD) No.2232 of 2025

Date :05/02/2025

RK/SKN (26/02/2025) 6P / 6C

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