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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

DATED : 05.02.2025

COROM

THE HON'BLE MR. JUSTICE R.SAKTHIVEL

CRL OP(MD). No.2229 of 2025

1.Karivandan

2.Vijayalakshmi

3.Suresh

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu
represented by the Inspector of Police,
Uppiliyapuram Police Station,
Trichy District.
(Crime No.32 of 2025)

... Respondent / Complainant

For Petitioners : Mr.K.Sivabalan,
for M/s.Aran Legal Consultancy

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



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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 petitioners in Crime No.32 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 03.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehended arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 118(1), 351(2) of BNS r/w. Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.32 of 2025 on the file of the respondent police.

3. The case of the prosecution is that the petitioners are said to have attacked the defacto complainant and abused her in filthy language and threatened with dire consequences when she entered into the ancestral property. The first petitioner is the father of the defacto complainant and the second petitioner is the sister of the defacto complainant.

4. Mr.K.Sivabalan, the learned counsel for the petitioners submits that the petitioners are innocent persons and they were not committed any offence as alleged by the prosecution. He further submits that the petitioners are ready to abide by any



conditions imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners and the defacto complainant are family members. He further submits that there are no previous cases against the petitioners. However, he points out that there is an ongoing property dispute among the family members. Therefore, he contends that, if the petitioners are released on pre-arrest bail, they may cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the fact that the offences alleged against the petitioners are bailable in nature and the injured was treated as an out-patient and considering the relationship between the parties and considering the fact that the petitioners are first offenders and with a view to give one more opportunity to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest



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or in the event of their surrender before the learned (*)Judicial Magistrate, Thuraiyur, 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) each 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, Thuraiyur.

(ii) Thereafter, the first and second petitioners shall appear and sign before the respondent-police on every Monday and Friday at 10.30 a.m. until further orders.

(iii) The third petitioner shall appear and sign before the respondent-police on every Saturday at 10.30 a.m. until further orders.

(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 identity proofs to ensure their identity.

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

(vi) The petitioners 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



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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

(*)Amended as per Order of the Court
dt.04/03/2025 in CrI.MP(MD).2827/2025 in
CrI.OP(MD).2229/2025.

/ TRUE COPY /

05/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal
TO BE SUBSTITUTED WITH THE ORDER DT.05/02/2025 IS ALREADY
DESPATCHED
TO

1 THE JUDICIAL MAGISTRATE, THURAIYUR

2 THE JUDICIAL MAGISTRATE NO.III,
TRICHY.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

4 THE INSPECTOR OF POLICE,
UPPILIYAPURAM POLICE STATION,
TRICHY DISTRICT.

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



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

+1 CC to M/s.Aran Legal Consultancy, Advocate (SR-2357[I] dated 04/03/2025)

ORDER
IN
CRL OP(MD) No.2229 of 2025
Date :05/02/2025

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

SA/SAR. /05.03.2025/6P/7C

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