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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2312 of 2025

V. Muthulakshmi

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Periyakulam Police Station,
Theni District.
(Crime No. 260 of 2024).

... Respondent/Complainant

For Petitioner : Mr. C. Raja,
Advocate.

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. 260 of 2024 on the file of the respondent Police.



ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 329(3), 296(b) and 351(3) of BNS, in Crime No.260 of 2024 on the file of the respondent police.

3. The case of the prosecution is that due to property dispute, on 23.11.2024, the petitioner herein trespassed into the property maintained by the defacto complainant and abused him in filthy language. Hence, the complaint.

4. Mr.C.Raja, 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 and a false case has been foisted against the petitioner. He further submits that it is a case in counter and the injured was discharged from the hospital. Hence, he prayed for 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 was a property dispute between the petitioner and the defacto complainant and the defacto complainant is none other than the brother of the petitioner and it is a case in counter and there is no previous case pending against the petitioner. However, he vehemently opposed to grant pre-arrest bail to the petitioner.

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 and considering the fact that there is no previous case pending against the petitioner and also it is a 'case in counter' and also considering the fact that the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding and with a view to grant an opportunity to the petitioner 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:



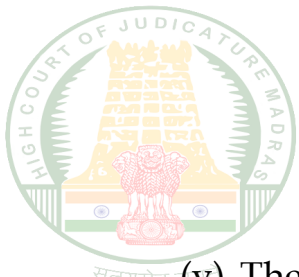
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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Periyakulam, Theni District within a period of 15 days from date on which the order copy is 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 Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Periyakulam, Theni 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 twice a week i.e., on every Monday and Friday at 10.30 am until further orders;

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



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

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

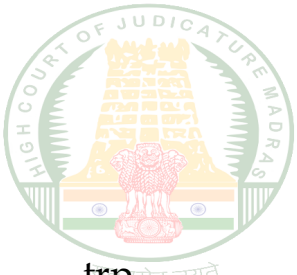
(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court 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/-
06/02/2025

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



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TO

- 1 THE JUDICIAL MAGISTRATE
PERIYAKULAM, THENI DISTRICT.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.RAJA, Advocate (SR-1479[I] dated 07/02/2025)

ORDER
IN
CRL OP(MD) No.2312 of 2025
Date :06/02/2025

ES/SKN/SAR-3 /20.02.2025/6P/6C

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