



CRL.OP(MD).No.2443 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.2443 of 2025

Balamurugan

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
AWPS Manamadurai,  
Sivagangai District.  
(Crime No.8 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.8 of 2024 on the file of the respondent-police.

For Petitioner : Mr.A.B.Jeeva,  
Advocate.

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



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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 05.02.2025 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 offence punishable under Sections 417, 376, 294(b) and 506(i) of IPC, in Crime No.8 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner is serving in the Indian Army. He had promised to marry the defacto complainant and had physical relationship with her on several occasions, resulting in pregnancy, which was later terminated through an abortion. However, the petitioner has refused to marry the defacto complainant due to opposition from Accused Nos. 2 to 6. Hence, the case.

4. Mr.A.B.Jeeva, 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 he has been falsely implicated in this case. He further submits that the petitioner and the defacto complainant are close relatives by birth. As the



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petitioner is a government servant with a decent monthly income, the defacto complainant's family attempted to arrange a marriage between the petitioner and the defacto complainant. However, when the petitioner's family declined the proposal and initiated steps to find a suitable bride for the petitioner, the defacto complainant lodged a false complaint before the respondent-police against the petitioner and his family members, with the intent to threaten and implicate the entire family. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that this is the third petition filed by the petitioner seeking pre-arrest bail. He further submits that the call detail records and other materials collected by the investigating agency prima facie establish that the petitioner has committed the offence alleged by the prosecution. Therefore, custodial interrogation of the petitioner is absolutely necessary in this case. He also contends that if pre-arrest bail is granted, the petitioner may cause threat to the defacto complainant and her family members. Accordingly, he prays to dismiss this Criminal Original Petition.



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

7. The earlier pre-arrest bail application filed by the petitioner was already dismissed on merits by this Court in Crl.OP(MD).No.17256 of 2024 on 16.10.2024. Subsequently, the petitioner filed a second pre-arrest bail petition in Crl.OP(MD).No.21156 of 2024, which was also dismissed by this Court on 04.12.2024 on the ground that there was no change in circumstances. Thereafter, the present petition has been filed. When this case is taken up for hearing today, this Court specifically put a question to the learned counsel for the petitioner to state about the alleged change in circumstances. However, the learned counsel is unable to provide satisfactory reason. Hence, it is clear that there is no change of circumstances in this petition. Therefore, this Court is of the view that successive pre-arrest bail application without any change in circumstances is not maintainable. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner.



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8. Accordingly, this Criminal Original Petition is dismissed.

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09/04/2025

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

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To

- 1.The Inspector of Police,  
AWPS Manamadurai,  
Sivagangai District.
- 2.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

ORDER  
IN  
CRL OP(MD) No.2443 of 2025  
Date :09/04/2025

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Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023