



CRL OP(MD). No.2382 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2382 of 2025

1. Rajan,
S/o. Kanthasamy,
No.17/150,
Amman Kovil Street,
Thachanvilai,
Arasur-I,
Kadukulam, Thoothukudi District.

2. Kanthasamy,,
S/o. Rajan,
No.17/150,Amman Kovil Street,
Thachanvilai,Arasur-I,
Kadukulam, Thoothukudi District.

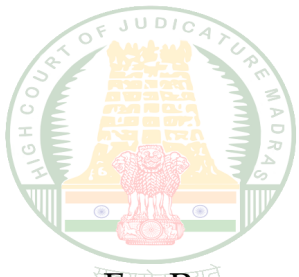
... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Thattarmadam Police Station,
Thoothukudi District.
(Crime No. 19 of 2025).

... Respondent/ Complainant

For Petitioners : Mr.K.P.Narayanakumar,
Advocate.



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For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 19 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 05.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 191(2), 191(3), 296(b), 118(1) of Bharatiya Nyaya Sanhita (BNS) r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.19 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 23.01.2025 at about 04.00 p.m., due to civil dispute between the petitioners and the defacto complainant, the petitioners herein attacked the defacto complainant with aruval and abused him in filthy language and also threatened with dire consequences. Hence, the complaint.



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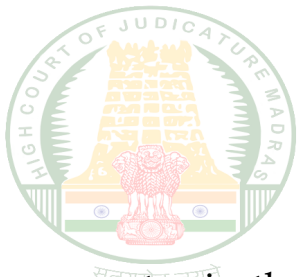
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4. Mr.K.P.Narayanakumar, learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners are willing to abide by any conditions imposed by this Court. He therefore prays to grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police, submits that there is a case and counter case pending investigation before the respondent Police in Crime Nos.18 and 19 of 2025. He further submits that the injured person has been admitted in the hospital on 23.01.2025 and discharged on 27.01.2025. He further submits that there are no previous cases against the petitioners. However, he contends that, if the petitioners are released on pre-arrest bail, untoward incidents may occur. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioners.

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

7. Considering the fact that the petitioners have permanent residence and deep



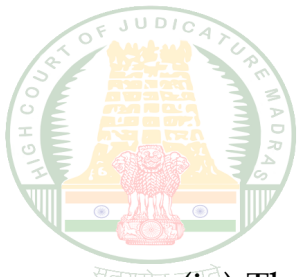
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routes in the society and and therefore, there is less possibility of absconding and taking note of the fact that there are no bad antecedents against the petitioners and with a view to give one more opportunity to reform themselves in the society and considering the fact that the petitioners are first offenders, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Sathankulam, within a period of fifteen 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) each 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, Sathankulam;

(ii) Thereafter, the petitioners shall appear and sign before the respondent Police daily at 10.00 a.m., until further orders;

(iii) 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, Sathankulam, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Sathankulam;

(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence and the petitioners should not enter into the residence of the defacto complainant until further orders : and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sathankulam 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/-
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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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1.THE JUDICIAL MAGISTRATE, SATHANKULAM,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

3.THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate (SR-1523[I] dated 10/02/2025)

ORDER

IN

CRL OP(MD) No.2382 of 2025

Date :07/02/2025

RK/SKN/ SAR-2 (19/02/2025) 6P / 6C

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