



CRL OP(MD). No.2415 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

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Antony Arul Moses,
S/o Antony Selvaraj,
No. 3/228
Sengolmaninagar,
Tharuvaikulam,
Thoothukudi District.

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Represented by the Inspector of Police,
Tharuvaikulam Police Station,
Thoothukudi District.
Crime No. 11/2025.

... Respondent/ Complainant

For Petitioner : Mr.Dinesh.K,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.11 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 petitioner on 05.02.2025 under

Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an



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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), 118(1), 115(2), 351(2) and 3(5) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.11 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to matrimonial dispute between the petitioner and the defacto complainant, on 12.01.2025 at about 01.15 p.m., the petitioner and his relatives abused the defacto complainant by using filthy language and assaulted her and her son with hands and the petitioner assaulted the defacto complainant with knife causing injury and threatened them with dire consequences. Hence, the complaint.

4. Mr.K.Dinesh, learned counsel appearing for the petitioner submits that the petitioner has nothing to do with the alleged offence. He further submits that due to matrimonial dispute between the petitioner and the defacto complainant, a false case has been registered against the petitioner and his relatives. He further submits that he is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor



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appearing for the respondent-Police submits that the injured person has been admitted in the hospital on 12.01.2025 and discharged on 17.01.2025. However, he vehemently opposed the grant of pre-arrest bail to the petitioner.

6. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Since the defacto complainant is none other than the wife of the petitioner and with a view to give one more opportunity to the petitioner to reform himself in the society and taking note of the fact that custodial interrogation may not be necessary in this case, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Ottapidaram, 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) 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, Ottapidaram;

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police daily at 05.30 p.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



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Practice, 2019]'. The learned Judicial Magistrate, Ottapidaram, shall obtain a copy of
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any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Ottapidaram;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not try to contact the defacto complainant or her relatives either directly or through any electronic modes and shall not tamper the evidence; and

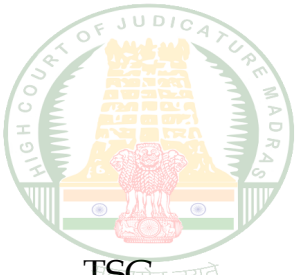
(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Ottapidaram or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

7. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
07/02/2025

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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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TSG
TO
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1 THE JUDICIAL MAGISTRATE,
OTTAPIDARAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

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

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

+1 CC to M/s.K.DINESH, Advocate (SR-1532[I] dated 10/02/2025)

ORDER
IN

CRL OP(MD) No.2415 of 2025
Date :07/02/2025

SA/SKN/SAR.2 /20.02.2025/5P/6C

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