



CRL OP(MD). No.2409 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. G Mangal Nath

2. P C Krishnakumari

... Petitioners/ Accused Nos.1 and 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Puthukkadai Police Station,
Kanyakumari District.
(Crime No 64 of 2025).

... Respondent/ Complainant

For Petitioners : Mr.Karuppasamy M,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 64 of 2025 on the file of the respondent-Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners 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 petitioners apprehend arrest at the hands of the respondent-police for the offence punishable under Sections 296(b), 281, 118(1) and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.64 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the first petitioner and the defacto complainant were friends. The first petitioner had borrowed a sum of Rs.3,00,000/- and 11 sovereigns of jewels from the defacto complainant, but he failed to return the same. Hence, on 31.01.2025 at about 10.00 a.m., the defacto complainant went to the house of the petitioners and requested them to return the jewels and cash. At that time, there was some wordy quarrel arose between them and the petitioners refused to return the jewels and cash. Thereafter, the defacto complainant proceeded to the respondent Police to lodge a complaint. The first petitioner along with two others followed the defacto complainant and dashed the defacto complainant's two wheeler with a car. Due to which, the defacto complainant sustained injuries and he was admitted in a private hospital at Vellayambalam. Upon receiving intimation



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from the hospital, the respondent Police went to the hospital, recorded a statement from the defacto complainant and registered a case against the petitioners herein.

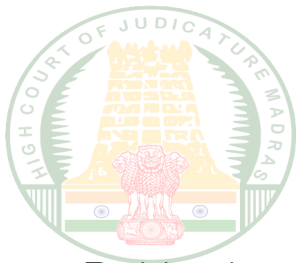
Hence, the case.

4. Mr.M.Karuppasamy, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the defacto complainant has sustained injury to his legs. He further submits that the defacto complainant has been admitted in the hospital on 31.01.2025 and discharged on 13.02.2025. Therefore, he contends that, if the petitioners are granted pre-arrest bail, they will 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. After hearing some time, Mr.M.Karuppasamy, learned counsel appearing for the petitioners seeks permission of this Court to withdraw this Criminal Original



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Petition in respect of the first petitioner alone. Hence, this petition is dismissed as withdrawn insofar as the first petitioner is concerned. In that effect, he has made an endorsement in the case file. The scanned reproduction of the endorsement is as follows:

*I may be permitted
to withdraw this case
only in respect of the
1st petitioner alone.*
K. Raji 26/2/25
Counsel for petitioner
M. Karuppasamy
2246/2011
9944442935

8. As far as the second petitioner is concerned, this Court has perused the First Information Report and noted that the second petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and with a view to give an opportunity to reform herself, this Court is inclined to grant an order of pre-arrest bail to the second petitioner subject to the following conditions:

(i) The second petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate No.2, Kanyakumari District, within a period of 15 days from date on which



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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 No.2, Kuzhithurai, Kanyakumari District;

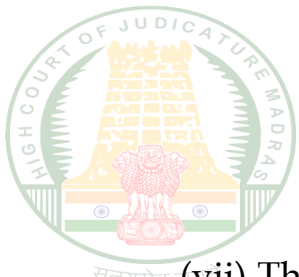
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.2, Kuzhithurai, Kanyakumari District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The second petitioner shall appear and sign before the learned Judicial Magistrate No.II, Kuzhithurai weekly twice (i.e., Monday and Friday) at 10.00 a.m. until further orders;

(iv) The second petitioner shall make herself available for interrogation by a police officer as and when required;

(v) The second petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The second petitioner shall not leave India without the previous permission of the Court;



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(vii) The second petitioner shall not enter into the defacto complainant's house or his work place;

(viii) The second petitioner shall furnish her residential address and mobile number to the concerned Magistrate; and

(ix) 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 in respect of the second petitioner subject to the conditions stated supra and dismissed as withdrawn in respect of the first petitioner.

sd/-/-
20/02/2025

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

TO
1 THE JUDICIAL MAGISTRATE NO.II
KUZHITHURAI, KANYAKUMARI DISTRICT.



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2 THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
PUTHUKKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.M.KARUPPASAMY, Advocate (SR-1960[I] dated 21/02/2025)

ORDER
IN
CRL OP(MD) No.2409 of 2025
Date :20/02/2025

TSG

MK/SKN/04.03.2025 7P/6C

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