



CRL OP(MD). No.2447 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Shanmuganathan, ... Petitioner/ Accused Rank Not Known

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Keelavalavu Police Station,
Madurai District.

(Crime No.20 of 2025) ... Respondent/Complainant

(Amended as Per Order of the Court dated 19.02.2025 in Crl.M.P.(MD).No.2169 of 2025 in Crl.O.P.(MD).No.2447 of 2025)

For Petitioner : Mr.R.Udhayakumar,
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.20 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 (BNSS), 2023, praying to grant an order of pre-arrest bail.



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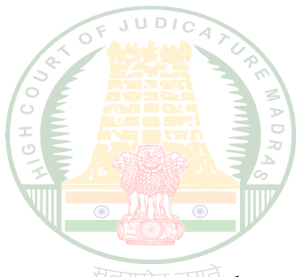
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2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b) and 115(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and (*) Section 4 of the Tamil Nadu Woman Harassment Act in Crime No.20 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to civil dispute between the petitioner and the defacto complainant, the petitioner herein abused the defacto complainant by using filthy language and threatened her with dire consequences. Hence the case.

4. Mr.R.Udhayakumar, 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 defacto complainant are relatives, and that due to previous enmity, the defacto complainant by using the JCB machine, demolished the house of the petitioner, for which, the petitioner herein filed a complaint before the respondent-Police, however, no action has been taken by the respondent-Police till date. He however submits that he 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there is no previous case pending



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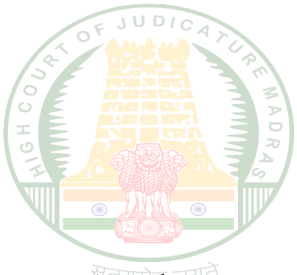
against the petitioner. He further submits that the petitioner herein attacked the defacto complainant with a wooden log and a car jockey liver, and caused simple injury to the defacto complainant. He further submits that the defacto complainant was admitted in the hospital on 24.01.2025 and discharged on 26.01.2025. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner to reform himself, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Melur, Madurai District within a period of 15 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, Melur, Madurai District;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Melur, Madurai District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

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

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

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Melur, Madurai District;

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

(ix) The petitioner shall not enter into the house of the defacto complainant or her work place until further orders; and

(x) On breach of any of the aforementioned conditions, the learned Judicial



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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/-
04.03.2025

(*)Amended as per "being mentioned" order of the court dated 03/04/2025 in CRL OP(MD) No.2447 of 2025

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/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To be substituted to the amended order which is already despatched on 21.03.2025
TO

- 1.The Judicial Magistrate,
Melur, Madurai District.
2. Do through the Chief Judicial Magistrate,
Madurai District.
- 3.The Inspector of Police,
Keelavalavu Police Station,
Madurai District.



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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.UDHAYAKUMAR, Advocate (SR-3860[I] dated 03/04/2025)

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Date : 04/03/2025

SL(19.03.2025)/ 6P/ 6C

MK(08.04.2025)/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.