



CRL.OP(MD). No.2627 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2627 of 2025

Vijayendran @ Vijayentran

... Petitioner / Sole Accused

Vs.

State of Tamil Nadu,
rep., by The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
Crime No.6 of 2025

... 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 the event of his arrest in connection with Crime No.6 of 2025 on the file of the respondent-police.

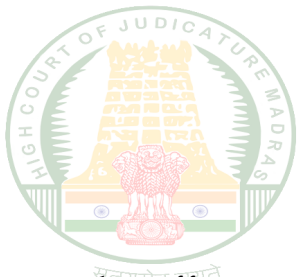
For Petitioner : Mr.G.Sethu Surendhar
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.02.2025 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



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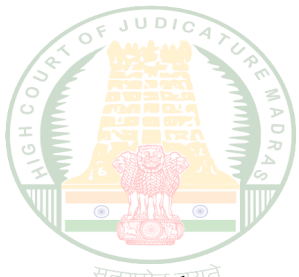
the offences punishable under Sections 296(b), 115(2), 132 and 351(2) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.6 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 03.01.2025 at about 05.30 pm., when the defacto complainant and one S.Kumar. Hereditary trustee, were supervising duty, they noticed that a construction work was carrying on within the temple, namely, Arulmigu Chellayi Amman temple, by the petitioner without any permission. Hence, when the defacto complainant and the said hereditary trustee questioned the petitioner, he abused them in filthy language and also attacked the defacto complainant, thereby causing injuries, and also threatened her with dire consequences. Hence, the cose.

4. Mr.G.Sethu Surendhar, 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. He however submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order 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 the defacto

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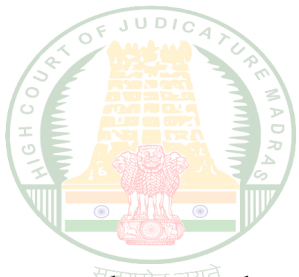
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complainant is the Executive Officer at the concerned temple and when the defacto complainant questioned the petitioner regarding the construction work within the vicinity of the temple without permission, he attacked her and abused in filthy language, and therefore, if the pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and the witnesses. He therefore, strongly opposes to grant pre-arrest bail to the petitioner.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. In view of the nature of the petitioner, this Court is of the considered view that the custodial interrogation of the petitioner may not be necessary. Considering same, and considering the facts and circumstances of the case, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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 Judge Additional Mahila Court, Trichy, within a period of 15 days from 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



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Thousand only) to the satisfaction of the learned Judge, Additional Mahila Court, Trichy.

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(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 learned Judge, Additional Mahila Court, Trichy, shall obtain a copy of any one of identity proofs to ensure their identity.

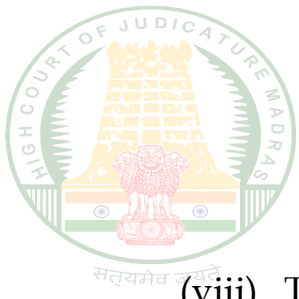
(iii) The petitioner shall appear and sign before the learned Judge, Additional Mahila Court, Trichy, on all working days at 10.00 am., and 05.00 pm., until further orders.

(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, directly or indirectly, cause any threat to the defacto complainant and other police officials and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.



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(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) The petitioner shall not enter into the temple namely Arulmigu Chellayi Amman Temple without prior permission of this Court;

(x) The petitioner shall not enter into the residence of the defacto complainant or her work place and shall also not try to contact the defacto complainant either directly or through any electronic mode, until further order;

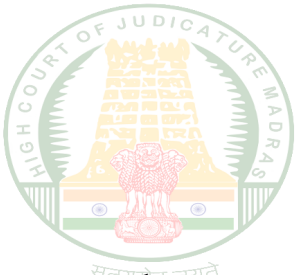
(xi) On breach of any of the aforementioned conditions, the learned Judge, Additional Mahila Court, Trichy, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme 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/-
06.03.2025

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



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To

- 1.The Judge,
Additional Mahila Court,
Trichy.
- 2.The Inspector of Police,
Jeeyapuram Police Station,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.SETHU SURENDHAR, Advocate (SR-2564[I] dated 07/03/2025)

Order made in
CRL.OP(MD). No.2627 of 2025
06.03.2025

SL(21.03.2025)/ 6P/ 5C

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