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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2651 of 2025

Venkatesh

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Suthamalli Police Station,
Thirunelveli District.
(Crime No.7 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 Crime No.07 of 2025 on the file of the respondent-police.

For Petitioner : Mr.M.Pandian, Advocate

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



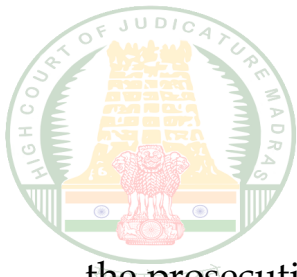
ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused, apprehends arrest at the hands of the respondent police for the offence punishable under Section 329(4), 296(b), 131, 351(3) of Bharatiya Nyaya Sanhita, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.07 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to previous enmity, on 03.01.2025, the petitioner herein trespassed into the house of the defacto complainant and abused her in filthy language, assaulted her and also threatened her with dire consequences. Hence, the complaint.

4. Mr.M.Pandian, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by



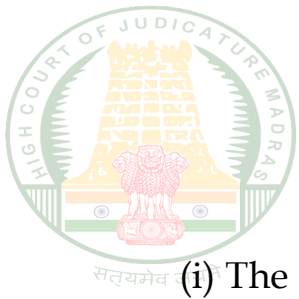
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the prosecution and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are two previous cases pending against the petitioner and that no one has sustained injury in the said occurrence. However, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. 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 facts and circumstances of the case and also taking note of the fact that no one has sustained injury in the said occurrence and with a view to give one more opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.



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(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, Cheranmahadevi, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

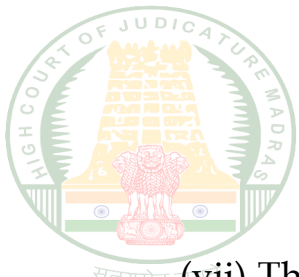
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall stay at Cheranmahadevi and report before the Cheranmahadevi Police Station daily at 10.00 am 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 petitioners shall not directly or indirectly cause any threat to the defacto complainant and tamper with evidence.



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Court.

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

(viii) The petitioner shall not enter into the defacto complainant's village viz.,
Thiruvankadanathapuram until further orders.

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

(x) 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 subject to the
conditions stated supra.

Sd/-
18/02/2025

/ TRUE COPY /

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



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TO

- 1 THE JUDICIAL MAGISTRATE
CHERANMAHADEVI
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SUTHAMALLI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE INSPECTOR OF POLICE,
CHERANMAHADEVI POLICE STATION,
TIRUNELVELI DISTRICT.

ORDER IN
CRL OP(MD) No.2651 of 2025
Date :18/02/2025

ES/SKN/SAR /03.03.2025/6P/6C

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