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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2712 of 2025

N. Farook Ali,

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
All Women Police Station,
Mussiri, Trichy District.
(Cr. No. 31 of 2022).

... Respondent/Complainant

For Petitioner : Mr.G.Mageshkumar,

Advocate

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Criminal Side)



WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 31 of 2022 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 10.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 294(b), 498(A) and 323 of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.31 of 2022 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner / Accused No.1 is the husband of the defacto complainant. Based on the complaint lodged by the defacto complainant against the petitioner and other accused persons, i.e., the family members of the petitioner / Accused No.1, the respondent Police registered a case against them. The allegation against the petitioner is that due to family dispute arose between the petitioner and the defacto complainant, the petitioner along with his family members harassed the defacto complainant by using filthy language and demanded additional dowry from her. Hence, the complaint.

4. Mr.G.Mageshkumar, learned counsel appearing for the petitioner, submits



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that the petitioner has nothing to do with the alleged offence. He further submits that due to family dispute between the petitioner and the defacto complainant, a false case has been foisted against the petitioner. He however 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.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the investigation has been completed and charge sheet has been filed and the same was taken cognizance in C.C.No.36 of 2023 before the learned Judicial Magistrate, Thuraiyur. However, he vehemently opposes 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. Considering the above facts and also considering the fact that the defacto complainant is the wife of the petitioner and there was a family dispute between them and with a view to give an opportunity to the petitioner to reform himself in the society, 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, Thuraiyur, within a period of fifteen days from the date on which the order copy is made ready, on



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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 Judicial Magistrate, Thuraiyur;

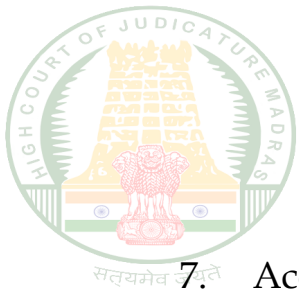
(ii) Thereafter, the petitioner shall appear and sign before the learned Judicial Magistrate, Thuraiyur, weekly once (i.e., on Monday) at 10.00 a.m., until further orders;

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

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

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thuraiyur 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.

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

TSG
TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MUSSIRI,
TRICHY DISTRICT.

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

+1 CC to M/s.G.MAGESH KUMAR, Advocate (SR-1640[I] dated 14/02/2025)

ORDER

IN

CRL OP(MD) No.2712 of 2025

Date :13/02/2025

NBF / SKN / SAR- (24/02/2025) 5P/6C

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

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