



CRL OP(MD). No.2740 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2740 of 2025

Latha

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu
Rep. by the Inspector of Police,
Uthamapalayam Police Station,
Theni District
(Crime No. 38 of 2025).

... Respondent/Complainant

For Petitioner : Mr.P. Sengutturasan.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 38 of 2025 on the file of the respondent police.



CRL OP(MD). No.2740 of 2025

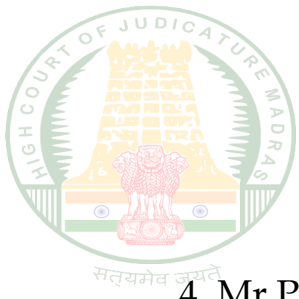
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.02.2025 under Section 482 of 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 the offences punishable under Sections 329(4), 351(2) & 49 of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.38 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to the civil dispute, on 10.01.2025, at about 2:00 p.m., when the defacto complainant came to his poultry farm, the door was broken and locked with another lock. The things in the poultry farm, worth about Rs.15,00,000/- were thrown out by the accused persons. The petitioner and the other accused persons were standing near the gate. When the defacto complainant enquired about the same, the petitioner threatened the defacto complainant stating that she has purchased the property and also he should not enter into the poultry farm. Hence, this case.



CRL OP(MD). No.2740 of 2025

WEB COPY

4. Mr.P. Sengutturasan, the learned counsel appearing for the petitioner submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submits that due to civil dispute, the petitioner has been falsely implicated in this case and the petitioner has no previous case. He further submits that this is a case in counter. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner has no previous case and due to civil dispute, the occurrence was happened. He however submits that if this Court grants pre-arrest bail to the petitioner, she may cause threat to the defacto complainant. Hence, 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 hence, there is less possibility of absconding. Considering the same and considering the facts and circumstances of the case and also considering the fact that the petitioner is a first offender and the case is a case in counter and with a view to give



CRL OP(MD). No.2740 of 2025

an opportunity to the petitioner to reform herself, 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 her arrest or in the event of her surrender before the learned Judicial Magistrate, Uthamapalayam, Theni, 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 Judicial Magistrate, Uthamapalayam, Theni;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily 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, Uthamapalayam, Theni, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni;

(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



CRL OP(MD). No.2740 of 2025

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Magistrate, Uthamapalayam, Theni, 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/-
14/02/2025

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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM THENI

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI DISTRICT

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



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CRL OP(MD). No.2740 of 2025

ORDER
IN
CRL OP(MD) No.2740 of 2025
Date :14/02/2025

SS/SKN/SAR- /25/02/2025/ 6P/5C

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