



CRL OP(MD). No.2749 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

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1. Balaguru
2. Padma
3. Nagaraj Alias Nagarajan
4. Lakshmipraba
5. Vijayalakshmi
6. Kondammal Alias Gokila
7. Perumal

... Petitioners/ A1 to A7

Vs

The State of Tamilnadu Rep.,
By, the Inspector of Police,
Watrap Police Station, Virudhunagar District
(Crime No. 80 of 2022).

... Respondent/Complainant

For Petitioner : M/s. Moovendran.G.,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-
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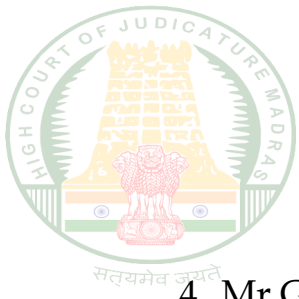
For Anticipatory Bail in Crime No. 80 of 2022 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 12.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / accused Nos. 1 to 7 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 448, 427, 294(b), 506(i) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.80 of 2022 on the file of the respondent-police.

3. The case of the prosecution is that due to the partition dispute between the parties, on 31.03.2022 at 6.00 am, the petitioners abused the defacto complainant's wife in filthy language, attacked the defacto complainant and threatened them with dire consequences and also damaged the wall worth about Rs.5,000/-. Hence, the case.



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4. Mr.G.Moovendran, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are 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 petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that there was a dispute with regard to the partition of the property between the family members and the injured was discharged from the hospital and the investigation of the case is still pending. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. On perusing the First Information Report, it reveals that there was a dispute between the parties with regard to the partition of the property. Considering the facts and circumstances of the case and the nature of the offence alleged against the



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petitioners and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that there are no previous cases against the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Additional Mahila Judge, Srivilliputur, Virudhunagar District, 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) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Additional Mahila Judge, Srivilliputur, Virudhunagar District.

(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 Additional Mahila Judge, Srivilliputur, Virudhunagar District shall obtain a copy of any one of identity proofs to ensure their identity.



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(iii) The petitioners shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders.

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The petitioners 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 the evidence.

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

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



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(ix) The petitioners shall not enter into the defacto complainant's house or his work place.

(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 petitioners 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.

TRP
TO

1 THE ADDITIONAL MAHILA JUDGE,
SRIVILLIPUTHUR, VIRUDHUNAGAR DISTRICT.



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2 THE INSPECTOR OF POLICE,
WATRAP POLICE STATION, VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.G.MOOVENDRAN, Advocate (SR-1695[I] dated 17/02/2025)

ORDER
IN

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Date :14/02/2025

SS/SKN/SAR- /25/02/2025/ 7P/5C

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