



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2830 of 2025

- | | |
|----------------------------|--|
| 1. J Sahaya Mary Christina | ... 1 st Petitioner/1 st Accused |
| 2. P.Muthumurugan | ... 2 nd Petitioner/2 nd Accused |
| 3. P.Ramakrishnan | ... 3 rd Petitioner/3 rd Accused |

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
C5, Karimedu (Law and Order) Police Station,
Madurai District.
Crime No. 626 /2024.

... Respondent/Complainant

For Petitioners : Mr.T. Cibi Chakraborty, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



PRAYER:-

WEB COPY

For Anticipatory Bail in Crime No.626 of 2024 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 Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioners/Accused Nos.1 to 3 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 329(4), 296(b) & 351(2) of the Bharatiya Nyaya Sanhita (BNS) 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 and Section 67 of Information Technology Act, 2000 in Crime No.626 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a tenant in a house owned by the first petitioner/Accused No.1. On 18.07.2023, the defacto complainant and the first petitioner had made an oral agreement to pay a sum of Rs.50,000/- as advance and Rs.5,000/- as monthly rent through the petitioners 2 and 3/Accused Nos.2 and 3. In September 2024, the petitioners had contacted the defacto complainant and insisted him to pay a sum of Rs.10,000/- as monthly rent. When he



WEB COPY

refused to pay, on 23.09.2024, at about 2:00 p.m., the petitioners had trespassed into the house of the defacto complainant and had demanded his wife to pay a sum of Rs.10,000/- as monthly rent and abused in filthy language. Due to the said landlord-tenant dispute, the defacto complainant filed a suit in O.S.No.2021/2024. On 15.10.2024, at about 7:00 p.m. to 8:00 p.m., the petitioners contacted the defacto complainant through phone and threatened him, regarding the suit and also abused him in filthy language and intimidated to kill him. Hence, the case.

4. Mr.T. Cibi Chakraborty, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that due to the civil dispute, a false case has been foisted against the petitioners. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioners have no previous case. He further submits that if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and his wife. Hence, he prays to dismiss this Criminal Original Petition.



WEB COPY

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

7. The petitioners have 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 the nature of the offence, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate-V, Madurai, 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.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 Judicial Magistrate-V, Madurai;

(ii) Thereafter, the petitioners shall appear and sign before the respondent-Police weekly twice i.e., on every Saturday and Sunday at 10:00 a.m., until further orders;



WEB COPY

(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 shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate-V, Madurai;

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

(vi) 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;

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

(viii) The petitioner shall not enter into the house of the defacto complainant;

(ix) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and his wife and witnesses and shall not tamper the evidence;
and



WEB COPY

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate-V, Madurai, 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/-
19/02/2025

/ TRUE COPY /

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

apd
TO

- 1 THE JUDICIAL MAGISTRATE NO.V
MADURAI
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
C5, KARIMEDU (LAW AND ORDER) POLICE STATION,
MADURAI DISTRICT.



WEB COPY

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

+1 CC to M/s.T.CIBI CHAKARBORTHY, Advocate (SR-1866[I] dated 20/02/2025)

ORDER
IN
CRL OP(MD) No.2830 of 2025
Date :19/02/2025

ES/SKN/SAR /03.03.2025/7P/6C

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