



CRL.OP(MD). No.2855 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2855 of 2025

Palaniammal

... Petitioner / Accused No.4

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Ediyakottai Police Station,
Dindigul District.
(Crime No.18 of 2025)

... Respondent / Complainant

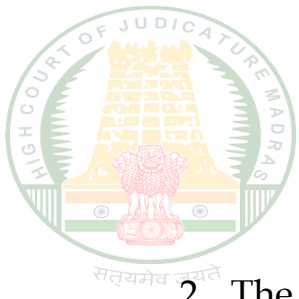
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.18 of 2025 on the file of the respondent-police.

For Petitioner : Mr.S.Sadeskumar

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 13.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner / accused No.4 apprehends arrest at the hands of the respondent police for the offence punishable under Sections 191(2), 191(3), 296(b), 127(2), 115(2), 118(1) and 351(3) of Bharatiya Nyaya Sanhita Act, 2023 in Crime No.18 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 25.01.2025, at about 5.30 pm, while the defacto complainant and one Palaniammal were cutting the bushes near to the Mettu Thottam Common pathway, the adjacent land owners, who are the petitioner herein and others, came with deadly weapons and intercepted the defacto complainant and also abused her in filthy language and caused injuries. Hence, the case.

4. Mr.S.Sadeskumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that co-accused has already been granted pre-arrest bail by this Court on 06.02.2025 in CrI.O.P(MD).No.2341 of 2025. He, further, 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 was a pathway dispute between the parties and that there is no previous case pending against the petitioner.



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He further submits that the investigation of the case is still pending. Hence, 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 above and also considering the facts and circumstances of the case and that the petitioner is a woman and taking note of the fact that there are no previous cases against the petitioner and the co-accused has already been granted pre-arrest bail by this Court and with a view to give an opportunity 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 pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Oddanchathiram, Dindigul 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.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 said Magistrate.

(ii) The sureties shall affix their photographs and left thumb impression in the



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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) Since the petitioner is a lady, she shall appear and sign before the respondent-police as and when required for interrogation.

(iv) The petitioner shall make herself 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 petitioner shall not leave India without the previous permission of the Court.

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

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

ix) The petitioner shall not directly or indirectly cause threat to the defacto complainant and tamper with evidence

(x) On breach of any of the aforementioned conditions, the learned Judicial



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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/-
17/02/2025

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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 JUDICIAL MAGISTRATE
ODDANCHATHIRAM, DINDIGUL DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
EDIYAKOTTAI POLICE STATION,
DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.SADESKUMAR, Advocate (SR-1807[I] dated 19/02/2025)



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ORDER

IN

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Date :17/02/2025

SS/SKN/SAR- /27/02/2025/ 6P/6C

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