



CRL.OP(MD). No.2946 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2946 of 2025

Srinivas

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Sub Inspector of Police,
Lalgudi Police Police Station,
Trichy District. (Crime No.57 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.57 of 2025 on the file of the responden- police.

For Petitioner : Mr.M.Sendhilkumar

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 14.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL.OP(MD). No.2946 of 2025

WEB COPY

2. The petitioner / accused, apprehends arrest at the hands of the, respondent police for the offences punishable under Section 296(b), 115(2), 351(2) of BNS r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.57 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 04.02.2025, the petitioner herein at 15.00 hours in a drunken mood, entered into the house of the defacto complainant and requested her to bring water. When she brought the water, he abused her in filthy language, pulled her down, and kicked her. When the aunt of defacto complainant came for rescue, he also threatened her also. Hence, the complaint.

4. Mr.M.Senthilkumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He, however, 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



CRL.OP(MD). No.2946 of 2025

Side) appearing for the respondent-police, submits that no one has sustained injury in the said occurrence and the investigation of the case is pending. Accordingly, 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 same and also considering the facts and circumstances of the case and taking note of the fact that no injury was sustained by the defacto complainant or her aunt and with a view to give an opportunity to reform himself, 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 his arrest or in the event of his surrender before the learned Judicial Magistrate, Lalgudi, 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) along with two sureties



CRL.OP(MD). No.2946 of 2025

each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

(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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 am until further orders;

(iv) The petitioner shall make himself 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 directly or in directly cause any threat to the defacto complainant and tamper with the evidence.



CRL.OP(MD). No.2946 of 2025

WEB COPY

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

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

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

(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 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/-
18/02/2025

/ TRUE COPY /

/03/2025

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

TRP



CRL.OP(MD). No.2946 of 2025

WEB COPY

- TO
- 1 THE JUDICIAL MAGISTRATE
LALGUDI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE,
LALGUDI POLICE STATION,
TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2946 of 2025
Date :18/02/2025

SS/SKN/SAR- /04/03/2025/ 6P/5C

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