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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3027 of 2025

Vinadi Anto @ Vinady Anto

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by

The Inspector of Police,

Thuckalay Police Station,

Kanniyakumari District.

(Crime No.73 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.73 of 2025 on the file of the respondent-police.

For Petitioner : Mr. C.T.Perumal, Advocate

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



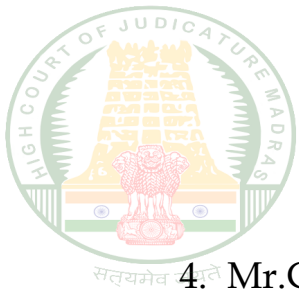
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ORDER : The Court made the following order :-

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.

2. The petitioner / Sole accused apprehends arrest at the hands of the respondent-police for the offence punishable under Section 296(b), 329(3), 76, 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.73 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant has no issues, and the petitioners used to call her as barren and abused in filthy language. On 22.01.2025, the petitioner herein, in a drunken mood, entered into the house of defacto complainant and misbehaved with her and also abused her in filthy language. When she raised alaram, he escaped from the place. When he ran away, he dashed against the gate and sustained injury to his head. Hence, the complaint.



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4. Mr.C.T.Perumal, 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 a false case has been foisted against the petitioner. 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 Side) appearing for the respondent-police, submits that it is a case in counter and both the petitioner and the defacto complainant are relatives. He further submits that 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 also taking note of the fact that the parties are



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close relatives 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 No.I, Padmanabhapuram, Kanniyakumari 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 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 stay at Kottar, Kanniyakumari District and report before the Kottar Police Station 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.



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(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) Further, the petitioner should not enter into the village of defacto complainant viz., Vellicode until further orders. The petitioner shall also not enter into the defacto complainant's work place.

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

viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and her family members and tamper with evidence.

(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.

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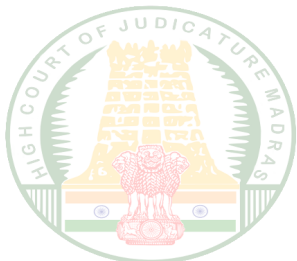
Sd/-
18/02/2025

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
PADMANABHAPURAM,
KANNIYAKUMARI DISTRICT
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT@ NAGERCOIL
3. THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANNIYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KOTTAR,
KANNIYAKUMARI DISTRICT

+1 CC to M/s.C.T.PERUMAL, Advocate (SR-1837[I] dated 19/02/2025)

ORDER IN
CRL OP(MD) No.3027 of 2025
Date :18/02/2025

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

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