



CRL.OP(MD). No.3017 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3017 of 2025

1.Sathish

2.Suresh

3.Rajasekar

4.Saraswathi

... Petitioners / Accused Nos.1 to 4

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station – Palayamkottai,
Tirunelveli District.

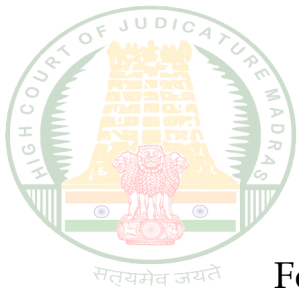
(Crime No.8 of 2025)

... Respondent / Complainant

(Amended as per order of the Court
dated 11.03.2025 in CrI.M.P.(MD).No.
3251 of 2025 in CrI.O.P.(MD).No.3017 of 2025)

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
petitioners in Crime No.8 of 2025 on the file of the respondent-police.

For Petitioners : Mr.M.Prabu,
Advocate



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For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

For Intervener : Mr.I.Suthakaran,
Advocate

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners 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 petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 318(1), 69, 316(1), 296(b) and 351(2) of BNS, 2023, in Crime No.8 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that petitioner/Accused No.1 was in a romantic relationship with the defacto complainant for the past three years and had promised to marry her. However, due to the inducement of his family members, Petitioner/Accused No.1 later refused to marry the defacto complainant, citing their blood relationship as a reason, claiming that they were related as brother and sister. Consequently, the 1st petitioner refused to marry the defacto complainant, and the other petitioners allegedly prevented Petitioner/Accused No.1 from marrying her, thereby deceiving her. Hence, this complaint.

4. Mr.M.Prabu, the learned counsel for the petitioners, submits that the



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petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the petitioners have been arrayed as Accused Nos.1 to 4. He further submits that there are no previous cases against the petitioners. He further submits that the accused persons abused the defacto complainant in filthy language and threatened with dire consequences. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Since this Court was not inclined to grant pre-arrest bail to the first petitioner considering the overt act allegedly committed by him, the learned counsel for the petitioners sought permission of this Court to not-press the petition insofar as the first petitioner is concerned. However, as regards the second to fourth petitioners, this petition survives.

8. The second to fourth petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same



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and also considering the nature of the offence allegedly committed by the second to fourth petitioners and taking note of the fact that there are no previous cases against the second to fourth petitioners and also with a view to give an opportunity to the second to fourth petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the second to fourth petitioners. Accordingly, pre-arrest bail is granted to the second to fourth petitioners subject to the following conditions:

(i) The second to fourth petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Tirunelveli District, 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 No.I, Tirunelveli 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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The second to fourth petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until



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further orders.

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

(v) The second to fourth 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.

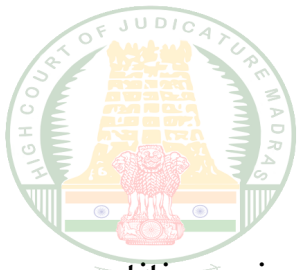
(vi) The second to fourth petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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

(ix) 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 second to fourth 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].

9. Accordingly, this Criminal Original Petition is dismissed insofar as the first



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petitioner is concerned and is allowed insofar as the second to fourth petitioners are
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concerned subject to the conditions stated supra.

sd/-
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/04/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.I,
TIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION - PALAYAMKOTTAI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.I.SUTHAKARAN, Advocate (SR-3516[I] dated 27/03/2025)

ORDER
IN
CRL OP(MD) No.3017 of 2025
Date :26/03/2025



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NBF/SAR /30.04.2025 7P/6C

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