



CRL OP(MD). No.3246 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3246 of 2025

Gowtham

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Allinagaram Police Station,
Theni District.

Crime No.22 of 2025

... Respondent/ Complainant

For Petitioner : Mr.C.Eswarapandian

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

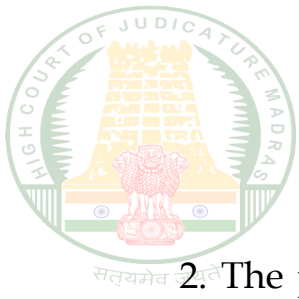
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 18.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.22 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 01.02.2025, at about 07.50 p.m., the petitioner tied his bull near the defacto complainant's house. The grandmother of the defacto complainant requested the petitioner to tie the bull at some other place. Without hearing her words, the petitioner abused her in filthy language. When the same was questioned by the defacto complainant, the petitioner attacked him with wooden log and threatened him with dire consequences. Hence, the case.

4. Mr.C.Eswarapandian, learned counsel appearing for the petitioner, submits that a false case has been foisted against the petitioner. The petitioner did not commit any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide by any conditions imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that it is a dispute between the neighbours. He further submits that the defacto complainant sustained simple injuries and was admitted in the hospital on 01.02.2025 and discharged on



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03.02.2025. However, he prays to dismiss this Criminal Original Petition.

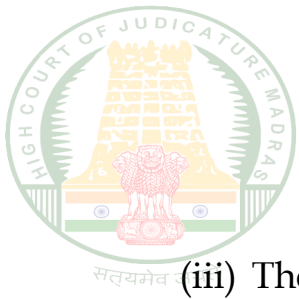
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6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the above and considering the fact that the injured has been discharged from the hospital and taking note of the fact that it is dispute between neighbours and with a view to give an opportunity to the petitioner 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 bail in the event of his arrest or in the event of his surrender before the learned Judge, Additional Mahila Court, Theni, 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) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judge, Additional Mahila Court, Theni;

(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;



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(iii) The petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

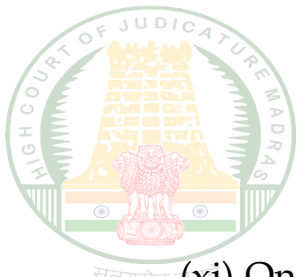
(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judge, Additional Mahila Court, Theni;

(viii) The petitioner shall not enter into the defacto complainant's house or workplace;

(ix) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode;

(x) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and his grandmother and witnesses and shall not tamper the evidence; and



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(xi) On breach of any of the aforementioned conditions, concerned 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 them 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/-
20/02/2025

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

TO

1.The Judge, Additional Mahila Court,
Theni.

2.The Inspector of Police,
Allinagaram Police Station,
Theni District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.C.ESWARAPANDIAN, Advocate (SR-1959[I] dated 21/02/2025)



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ORDER

IN

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Date :20/02/2025

mbi

MK/SKN/05.03.2025 6P/5C

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