



CRL OP(MD). No.3241 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

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1.Rajkumar

2.Vicky @ Vignesh

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Somanathapuram Police Station,
Sivagangai District.
Crime No.5 of 2025

... Respondent/Complainant

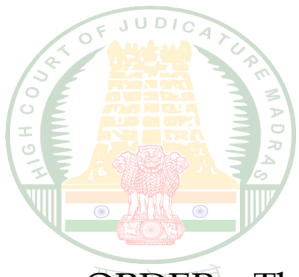
For Petitioners : Mr.S.Rameshkumar, Advocate

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.5 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 18.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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 296(b), 115(2), 324 and 356(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.5 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.02.2025, the petitioners abused the defacto complainant and her uncle in filthy language. Hence, the case.

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



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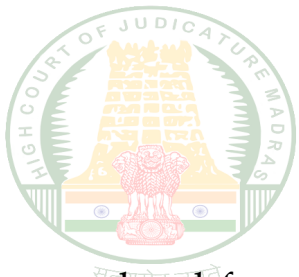
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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant sustained simple injuries. He further submits that the first petitioner / A1 has no previous case and the second petitioner / A2 has one previous case. He further submits that if the petitioners are granted pre-arrest bail, they will commit the similar offence and cause threat to the defacto complainant and her uncle. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the above and considering the fact that the defacto complainant suffered simple injuries and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Karaikudi, within a period of 15 days from the date on which the order copy is made ready, on executing



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a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Karaikudi;

(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 petitioners shall make themselves available for interrogation by a police officer as and when required;

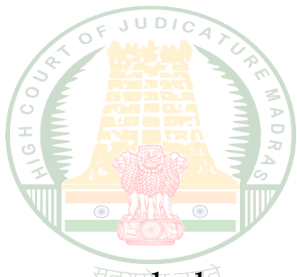
(iv) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Karaikudi;

(viii) The petitioners shall not enter into the defacto complainant's house or



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

(x) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and her uncle and witnesses and shall not tamper the evidence; and

(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 petitioners 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 (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1.THE JUDICIAL MAGISTRATE, KARAIKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
SOMANATHAPURAM POLICE STATION, SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3241 of 2025

Date :20/02/2025

RK/SKN (05/03/2025) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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