



CRL OP(MD). No.3369 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Thenmalai Thenkumaran

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
SIPCOT Police Station, Thoothukudi
District. (In Crime No.165 of 2025)

... Respondent/Complainant

For Petitioner : Mr. A.D.Ganeshamoorthi
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

For Intervenor : Mr. B. Anandan

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 165 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 petitioner on 20.02.2025 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 offences punishable under Sections 329(4), 296(b), 109(1) and 351(3) of BNS, 2023 in Crime No.165 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to previous enmity, on 29.01.2025, at about 18.30 hours, the petitioner herein trespassed into the house of the defacto complainant with knife and tried to attack her and also criminally intimidated her. Hence, the case.

4. Mr.A.D. Ganeshamoorthi, 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



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imposed by this Court. He therefore prays for grant of pre-arrest bail to the
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petitioner.

5. Per Contra, Mr. B.Anandan, the learned counsel for the intervenor, submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the life of the defacto complainant and also her family members. Hence, he opposes to grant pre-arrest bail to the petitioners.

5. Per contra, M.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that no one has sustained injury in the said occurrence. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that there is no injury caused to any one in this case



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and the petitioner has permanent residence. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of offences allegedly committed by the petitioner and with a view to give an more 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi 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.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 learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi 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 No.III, Thoothukudi, Thoothukudi District shall obtain a copy of any one of identity proofs to ensure their identity.



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(iii) The petitioner shall appear and sign before the respondent – Police weekly twice i.e., on every Monday and Thursday 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 leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not tamper with the evidence.

(viii) The petitioner should not enter into the house of the defacto complainant or her work place. Further, the petitioner should not enter into the road within 50



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meters radius of the defacto complainant's residence.

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(ix) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Thoothukudi, Thoothukudi District 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/-
28/03/2025

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/05/2025
Sub-Assistant Registrar (C.S.-I/ II /III/ IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO
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1. The Judicial Magistrate No.III, Thoothukudi, Thoothukudi District
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Sipcot Police Station, Thoothukudi
District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.B.ANANDAN, Advocate (SR-3691[I] dated 01/04/2025)

+1 CC to M/s.A.D.GANESA MOORTHY, Advocate (SR-3727[I] dated 01/04/2025)

ORDER
IN
CRL OP(MD) No.3369 of 2025
Date :28/03/2025

VN/12.05.2025 7P/7C

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