

CrI.O.P.(MD)No.3359 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CrI.O.P.(MD)No.3359 of 2025

1.Pitchaimani

2.Kalipandi @ Kalimuthupandiyan

... Petitioners/ Accused Nos.A1 & A3

Vs.

The State of Tamil Nadu rep. By
The Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
(Crime No.46 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 petitioners in Crime No.46 of 2025, on the file of the respondent- police.

For Petitioners : M/s.K.Muthurakkan

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 19.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 324(4), 351(2) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.46 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 02.02.2025, at about 10.40 p.m., due to previous enmity between the petitioners and the defacto complainant, when the defacto complainant returned from Madurai and parked his car bearing Registration No.TN-84-Q-2329 in the panchayat union building, the petitioners and other accused persons abused the defacto complainant and her family members using filthy and language and damaged the car glasses and threatened them with dire consequence. Hence, the case.

4. Mr.K.Muthurakkan, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. 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.



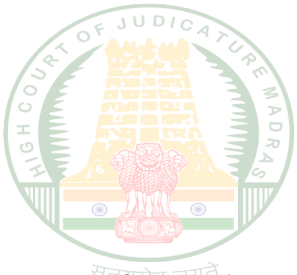
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5. *Per contra*, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 4 accused persons in this case and the petitioners have been arrayed as A1 & A3. He further submits that A2 and A4 were arrested and released on bail. He further submits that the petitioners and the defacto complainant are neighbours. He further submits that there are no previous cases against the petitioners. He, however, 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 petitioners, this Court is of the view that the custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the fact that the petitioners and the defacto complainant are neighbours and no one was injured and the glasses of the car alone were damaged and taking note of the fact that there are no previous cases against the petitioners and A2 and A4 were arrested and released on bail and with a view to give an opportunity to the petitioners to



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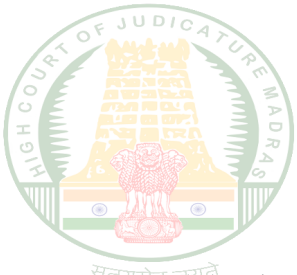
reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:-

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Rajapalayam, 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) 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, Rajapalayam.

(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 appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

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



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(v) 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.

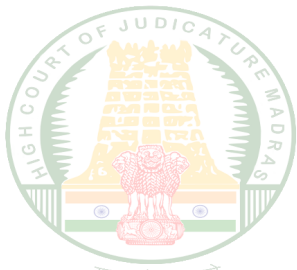
(vi) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and her family members and witnesses and shall not tamper the evidence.

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

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

(ix) The petitioners shall not enter into the defacto complainant's house or her work place.

(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 petitioners in accordance with law as if the aforementioned conditions are



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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/-
21/02/2025

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

RJR

TO

1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
KEELARAJAKULARMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.K.MUTHURAKKAN, Advocate (SR-2060[I] dated 25/02/2025)



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ORDER

IN

CRL OP(MD) No.3359 of 2025

Date :21/02/2025

SS/SKN/SAR- /10/03/2025/ 7P/6C

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