



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3572 of 2025

&

CrI.M.P.(MD)No.2727 of 2025

M.Jothirajan

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Srivaikundam Police Station,
Thoothukudi District.
Crime No.55 of 2025

... Respondent/ Complainant

For Petitioner : Mr.R.Dinesh Kumar
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (CrI.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.55 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 21.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



2. The petitioner apprehends arrest at the hands of the respondent-police.

Initially the case was registered under Section 194 of Bharatiya Nyaya Sanhita (BNS), 2023, later it was altered into the offence punishable under Section 108 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.55 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 31.01.2025, the wife of the petitioner committed suicide in her matrimonial home since her mother-in-law prevented her from meeting her 12 year old son. Hence, the father of the deceased lodged a complaint with the respondent-Police.

4. Mr.R.Dinesh Kumar, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and a he has been falsely implicated in this case. He further submits that the petitioner appeared before the respondent-Police and co-operated with the investigation. He however submits that the petitioner is ready to abide by any conditions to be 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 the deceased victim committed suicide and that the investigation is yet to be completed. He however fairly concedes that the petitioner appeared before the respondent-Police and co-operated with the investigation. Nevertheless, he prayed for the dismissal of this Criminal Original Petition.



6. Heard on both sides. This Court has perused the records including statement of the Doctors and medical records.

7. In view of the medical records and in view of the conduct of the petitioner and in view of the fact that the petitioner appeared before the respondent-Police and co-operated with the investigation, this Court is of the view that further custodial interrogation of the petitioner is not necessary for the investigation agency in this case. Hence, 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 Judicial Magistrate No.I, Srivaikundam, 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 Judicial Magistrate No.I, Srivaikundam;

(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 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;

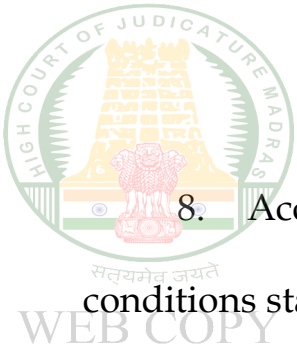
(v) The petitioner shall not leave India without the previous permission of the Court;

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

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Srivaikundam;

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

(ix) 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*. Consequently, connected Miscellaneous Petition is closed.

Sd/-

26.03.2025

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/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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TO

1 THE JUDICIAL MAGISTRATE NO.I, SRIVAIKUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.3572 of 2025

Date :26/03/2025

RS (17/04/2025) 5P/ 5C

Madurai Bench of Madras High Court is issuing
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