



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3562 of 2025

Chinnaiya

... Petitioner / Rank not known

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
All Women Police Station Alangudi,
Pudukkottai District.
(Crime No. 4 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
petitioner in Crime No.4 of 2025 on the file of the respondent-police.

For Petitioner : Ms.A.Banumathy
For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

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 the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 75(2), 79 of the BNS, 2023 and Section 4 of the TNPHW Act, 2002, in Crime No.4 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 02.02.2025, the petitioner went to the house of the defacto complainant without her permission and called her for an extramarital relationship. Hence, the case.

4. Ms.A.Banumathy, 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 a false has been foisted against this petitioner. She, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. She therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and witness. He, therefore, 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 petitioner, this Court is of the view

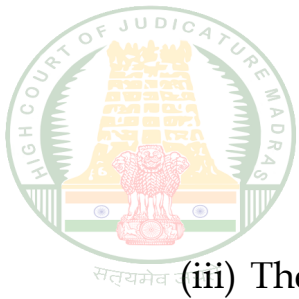


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that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and therefore, there is less possibility for absconding. Considering the above, and also considering the facts and circumstances of the case, and taking note of the fact that there are no previous cases against the petitioner, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned District Munsif cum Judicial Magistrate, Alangudi, 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 District Munsif cum Judicial Magistrate, Alangudi.

(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 District Munsif cum Judicial Magistrate, Alangudi 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 daily at 10.00 a.m. until further orders.

(iv) The petitioner shall not enter into the defacto complainant's house or her workplace.

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

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

(vii) 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.

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

(ix) The petitioner shall not leave India without the previous permission of the Court.

(x) The petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Alangudi.

(xi) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate, Alangudi or Trial Court, as the case may be, is



entitled to pass appropriate orders against the petitioner in accordance with law as if
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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/-
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ALANGUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION ALANGUDI,
PUDUKOTTAI DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.3562 of 2025
Date :03/03/2025



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NBF / SKN / SAR- (17/03/2025) 6P/5C

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