



CRL OP (MD) No.3684 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.3684 of 2025

1.A.Arokia Doss

2.Niksion @ Sam Niksion

... Petitioners/ A2 and A4

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Karimedu Police Station,
Madurai City, Madurai District.
(Crime No.85 of 2025).

... Respondent/Complainant

For Petitioners : Mr.K.Seemaraj
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.85 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 petitioners on 25.02.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
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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 329(4), 296(b), 115(2), 303(2) and 351(2) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.85 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to a property dispute between the parties, on 26.01.2025, at about 06:30 p.m., at the time of installing the CCTV camera at the defacto complainant's house, which had already been sold to another person and was in the process of being handed over to him, the petitioners herein attacked her and her family members and also took the CCTV camera, hard disk, etc., from the said installer. Hence, the case.

4. Mr.K.Seemaraj, the learned counsel for the petitioners, submits that the petitioners are innocent persons, 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal



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Side) appearing for the respondent-police, submits that there are no previous cases pending against the petitioners. He further submits that no one sustained any injury in the said occurrence. He, however, submits that if pre-arrest bail is granted to the petitioners, they will cause a threat to the defacto complainant and her family members. Hence, he prays to dismiss this Criminal Original Petition.

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

7. There is a property dispute between the parties. Further, the petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, also considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners, taking note of the fact that there are no previous cases against the petitioners and no one has sustained injury in the said occurrence and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted 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 No.V, Madurai, 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)



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each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

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(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 once in a week i.e., on every Sunday at 10.00 am until further orders.

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

(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, her family members and witnesses and shall not tamper with 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



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to the concerned Magistrate.

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(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 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/-
27/02/2025

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

TRP
TO
1 THE JUDICIAL MAGISTRATE NO.V,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI.



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3 THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.3684 of 2025
Date :27/02/2025

SA/SKN/SAR. /12.03.2025/6P/5C

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