



CRL.OP(MD). No.3740 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3740 of 2025

S.Chithambaram

... Petitioner/ Accused Rank
Not Known

Vs.

The Inspector of Police,
Karivalamvanthanallur Police Station,
Tenkasi District.

Crime No.197 of 2025

... Respondent / Complainant

(Crime number and Sections were amended vide
order of this Court dated 07.03.2025 in CrI.M.P
(MD).No.3147 of 2025)

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner / Accused Rank Not Known on bail in the event of his arrest in Crime No.197 of 2025 on the file of the respondent- Police.

For Petitioner : Mr.T.Indrachithu

For Respondent : Mr.S.S.Manoj
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Section 296(b) and 115(2) of BNS and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.197 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 17.02.2025, due to previous enmity, the petitioner attacked the defacto complainant, abused her in filthy language and also, criminally intimidated her. Hence, the complaint.

4. Mr.T.Indrachithu, 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. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police submits that there was a money transaction between the petitioner and the defacto complainant's son, and that the defacto complainant sustained simple injury and was treated as an out-patient. He further submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and her family members. He therefore prays for dismissal of this petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. In view of the dispute between and parties and the nature of the injury caused by the defacto complainant, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary. Considering the same, and also considering the facts and circumstances of the case, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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



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in the event of his surrender before the learned Judicial Magistrate, Sankarankovil, Tenkasi 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.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, Sankarankovil, Tenkasi 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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 am., until further orders.

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



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

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

(ix) 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 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/-
17/03/2025

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/04/2025

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

RMK

TO

1 THE JUDICIAL MAGISTRATE
SANKARANKOVIL, TENKASI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TENKASI DISTRICT.

3 THE INSPECTOR OF POLICE,,
KARIVALAMVANTHANALLUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.T.INDRACHITHU, Advocate (SR-3047[I] dated 18/03/2025)

ORDER
IN

CRL OP(MD) No.3740 of 2025
Date :17/03/2025

HPS/SKN/SAR- /01/04/2025/ 6P/6C

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