



CRL.OP(MD). No.3791 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.3791 of 2025

Sivas

... Petitioner/ A1

Vs.

The State of Tamil nadu
rep by the Inspector of Police,
Karaikudi All Women Police Station,
Sivagangai District.
Crime No.17 of 2023

... Respondent / Complainant

(Amended as per the order of this Court dated 11.03.2025 in CrI.M.P(MD).No.3164 of 2025 in CrI.O.P(MD).No.3791 of 2025)

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner / A1 on bail in the event of his arrest in Crime No.17 of 2023 pending investigation on the file of the respondent- Police.

For Petitioner : Mr.D.Rameshkumar

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 petitioner on 26.02.2025



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under Section 482 of the 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 for the offences punishable under Sections 294(b), 323, 498(A), 406 and 506(i) of IPC and Section 4 of TNPWH Act, in Crime No.17 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that a marriage was solemnized between the petitioner and the defacto complainant on 31.08.2022. After the marriage, the petitioner and other accused persons demanded more dowry from the defacto complainant and harassed her. The petitioner is said to have sexually harassed the defacto complainant. The petitioner further is having illicit affair with other woman and when the same was informed by the defacto complainant to in-laws, they did not respond to the same. Hence, the complaint.

4. Mr.D.Rameshkumar, 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.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a matrimonial dispute between the parties. In this case, there are three accused persons. The petitioner is A1, who is the husband of the defacto complainant. A2 and A3 are in-laws of the defacto complainant. He further submits that in this case, investigation has been completed, charge sheet has also been filed, and the same was also taken on file in CC.No.12 of 2024 by the learned Judicial Magistrate, Karaikudi. He further, on instructions, submits that custodial interrogation of the petitioner may not be necessary in this case.

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

7. In view of the fact that the investigation has been completed and charge sheet has been filed, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and hence, there is less possibility of absconding. 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, Karaikudi, Sivagangai 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, Karaikudi, Sivagangai 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 weekly twice i.e., on every Monday and Friday at 10.00 am., until further orders.

(iv) The petitioner shall appear before the concerned Judicial Magistrate on all hearing dates, without fail.

(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
KARAIKUDI, SIVAGANGAI DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KARAIKUDI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.D.RAMESHKUMAR, Advocate (SR-3076[I] dated 19/03/2025)

ORDER

IN

CRL OP(MD) No.3791 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