



CRL OP(MD). No.3883 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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A.Sureshkumar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Chinnamanur Police Station,
Theni District.

Cr. No.47 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.S.Malaikani

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

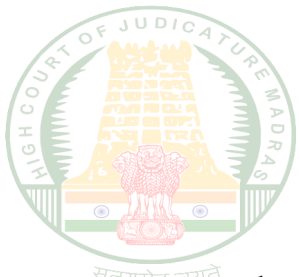
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.47 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 27.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner/Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 232(1) and 351 (2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.47 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that during August 2020, the younger brother of the defacto complainant was murdered by some other persons and the petitioner. In this regard, a case in Crime No.1956 of 2020 was registered, and the case is now pending before the District Court, Theni, for trial. On 28.01.2025, the defacto complainant deposed before the Court. At this juncture, on 28.01.2025, at about 8:00 p.m., when the defacto complainant was at her house, the petitioner and other accused persons/A2 and A3 came to her house and asked her to depose in their favour. When the defacto complainant refused, they criminally intimidated her. Hence, this case.

4. Mr.S.Malaikani, the learned counsel appearing for the petitioner, submits that the complaint given by the defacto complainant is false and that the respondent-police, without conducting a proper enquiry, mechanically registered a case against the petitioner and other accused persons. He further submits that on 28.01.2025, the defacto complainant and her family members gave evidence and



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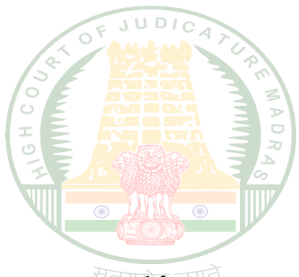
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were cross-examined on the same day, and therefore, there was no necessity for the petitioner and other accused persons/A2 and A3 to threaten the defacto complainant. He also submits that the complaint was falsely lodged with an intention of wreaking vengeance against the petitioner. He further submits that the co-accused persons/A2 and A3 were enlarged on bail by this Court in Crl.O.P(MD) No.3800 of 2025, on 04.03.2025. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that in the Sessions Case, there are totally 37 witnesses and only 14 witnesses were examined, and remaining witnesses have to be examined, and case is posted on 19.03.2025 for further examination of witnesses. He further submits that the petitioner and other accused persons/A2 and A3 have threatened the defacto complainant and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and other witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. As rightly pointed out by the learned counsel appearing for the petitioner, the defacto complainant and her family members were examined on 28.01.2025



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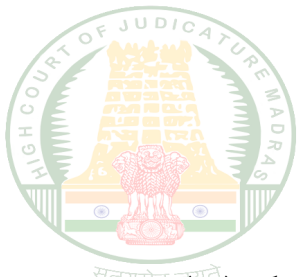
itself. In view of the above, the petitioner has made out a prima facie case for grant of pre-arrest bail. The co-accused persons/ A2 and A3 were already enlarged on bail by this Court. Considering the same, and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner, however, subject to the certain conditions. It is to be noted that the above view is recorded only for the limited purpose of deciding the pre-arrest bail petition. This view, in no way, would prejudice the rights of the prosecution to establish its case during the trial. Accordingly, pre-arrest bail is granted 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, Uthamapalayam, Theni, 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, Uthamapalayam, Theni;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-

Police daily at 5.30 p.m., until further orders;

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(iii) 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, Uthamapalayam, Theni shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni;

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

(vi) The petitioner shall not enter into the house or workplace of the defacto complainant;

(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 leave India without previous permission of the Court;

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam, Theni, or Trial Court as the case may be, is entitled to



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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/-
06.03.2025

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

APD
TO

1. The Judicial Magistrate,
Uthamapalayam, Theni.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Chinnamanur Police Station,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.S.MALAIKANI, Advocate (SR-2490[I] dated 06/03/2025)

ORDER
IN

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Date : 06/03/2025

SL(21.03.2025)/ 7P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.