

CRL.OP(MD). No.3951 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Karuppaiah

2.Nagaraj

3.Gowtham @ Gowthaman

4. Gowsalya

...Petitioners / Accused Nos.1, 2, 4 & 5

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.53 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
petitioners in Crime No.53 of 2025 on the file of the respondent-police.

For Petitioners : Mr.K.Mahendran

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 petitioners on 27.02.2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
<https://www.mhc.tn.gov.in/judis>



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to grant an order of pre-arrest bail.

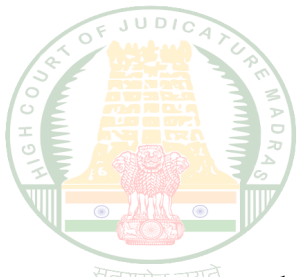
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2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 115(2), 118(1), 191(2), 296(b), 303(2), 351(3) of BNS, 2023 read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.53 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, due to previous dispute between the parties, there was a wordy quarrel between the petitioners and the defacto complainant. At that time, the petitioners and other accused persons assaulted the defacto complainant, causing injuries Hence, the case.

4. Mr.K.Mahendran, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and 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.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 5 accused persons in this case, and the petitioners have been arrayed as A1, A2, A4 and A5. The defacto complainant is none other than the daughter of the 1st



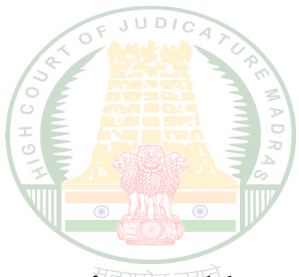
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पति, the 2nd petitioner is the son of the 1st petitioner, 4th petitioner is the wife of the 2nd petitioner and 3rd petitioner is the brother of the 4th petitioner, and they are all close relatives. He further submits that A3 was arrested and is still in custody, and the defacto complainant / victim was treated as an out patient. He, however, prays to dismiss this petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering same and also considering the nature of offences allegedly committed by the petitioners, the fact that the injury sustained by the defacto complainant is simple, and the relationship of the petitioners and the defacto complainant, 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 District Munsif cum Judicial Magistrate, Natham, Dindigul 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each



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for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Natham, Dindigul 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.

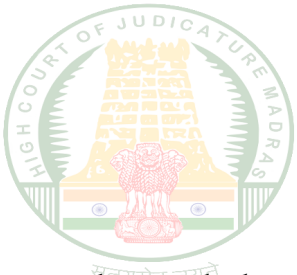
(iii) The petitioners no.2 and 3 shall appear and sign before the respondent-police twice a week i.e on every Sunday and Friday at 10.00 a.m., until further orders. The petitioners 1 and 4 shall appear and sign before the respondent-police once in a week i.e on every Sunday at 10.00 a.m., until further orders.

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

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

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

(vii) 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



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dissuade him from disclosing such facts to the Court or to any police officer.

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

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

(x) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

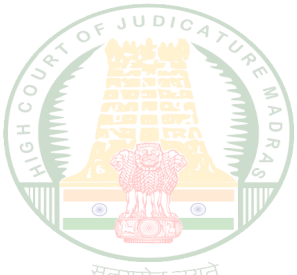
(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme 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/-
03.03.2025

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



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To

1.The District Munsif cum Judicial Magistrate,
Natham,
Dindigul District.

2.Do through Chief Judicial Magistrate,
Dindigul District.

3.The Inspector of Police,
Natham Police Station,
Dindigul District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-2333[I] dated 04/03/2025)

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SL(19.03.2025)/ 6P/ 6C

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