



CRL.OP(MD). No.3952 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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Nangaiyar @ Nagaiyarselvi

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Cheramahadevi Police Station,
Tirunelveli District.
(Crime No.91 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
petitioner in Crime No.91 of 2025 on the file of the respondent-police.

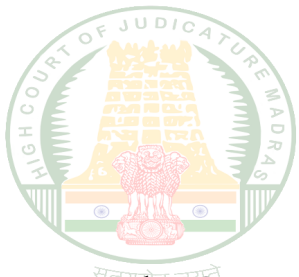
For Petitioner : Mr.P.Praveen kumar
Advocate

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.02.2025



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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 Sections 296(b) and 115(2) of BNS, 2023 and Section 4 of the TN Prohibition of Charging Exorbitant Interest Act, 2003, in Crime No.91 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 18.02.2025 at about 8.00 a.m., due to money dispute between the defacto complainant and petitioner's daughter, the petitioner along with her daughter came to the petitioner's house and assaulted the defacto complainant by using filthy language. Due to humiliation, she consumed an excessive amount of pressure tablets and got admitted in the hospital. Based on her confession, the FIR has been registered. The petitioner has been arrayed as A1. Hence, the case.

4. Mr.P.Praveen Kumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and she has not committed any offence as alleged by the prosecution, and a false has been foisted against this petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 2 accused persons in this case, and the petitioner has been arrayed as accused no.2. He further submits that there are no previous cases against the petitioner. He, however prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the above, and also considering the facts and circumstances of the case, and taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Cheranmahadevi 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) along with two sureties each for a like sum of Rs.25,000/- (Rupees



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Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate,
Cheranmahadevi.

(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 a.m. until further orders.

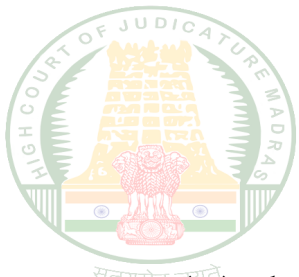
(iv) The petitioner shall not enter into the defacto complainant's house or her workplace;

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

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

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



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

(x) The petitioner shall furnish her 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 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/-

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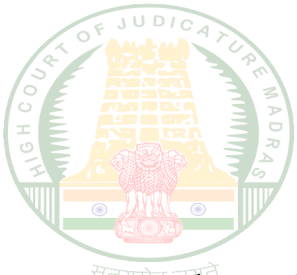
Sub Assistant Registrar
(CS- I/ II / III / IV)

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To

1.The Judicial Magistrate,
Cheranmahadevi.

<https://www.mmc.tri.gov.in/judis>



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2.Do Through

The Chief Judicial Magistrate,
Tirunelveli.

3.The Inspector of Police,
Cheramahadevi Police Station,
Tirunelveli District.

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

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