



CRL.OP(MD).No.4080 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.4080 of 2025

Mohammed Fazil

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.124 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.124 of 2025 on the file of the respondent-police.

For Petitioner : Mr.S.C.Herold Singh, Advocate.

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 03.03.2025 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 offence punishable under Sections 126(2), 296(b), 131, 351(3) and 140(3) of BNS, 2023 (341, 294, 352, 506 and 365 of IPC), in Crime No.124 of 2025 on the file of the respondent-police.



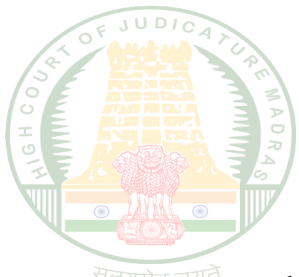
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3. The case of the prosecution is that the husband of the defacto complainant, who is a salesman at Thalakulam Eraniel Uzhavar Pani Co-operative Society, borrowed a sum of Rs.4,35,000/- from the petitioner. Out of which a sum of Rs.2,30,000/- was repaid, leaving a balance of Rs. 2,05,000/-. To recover the amount, the petitioner visited the defacto complainant's house and threaten them. On 06.02.2025, at about 8:00 a.m., while the husband and daughter of the defacto complainant were about to board an auto, the petitioner and two others allegedly intercepted them, abused them in filthy language and assaulted the husband of the defacto complainant, and took him away in a car and threatened the daughter of the defacto complainant with dire consequences. Hence, the case.

4. Mr.S.C.Herold Singh, the learned counsel for the petitioner, submits that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution. He contends that the petitioner had monetary transactions with the defacto complainant, and when the petitioner demanded repayment, a false complaint was lodged against the petitioner. He however submits that the petitioner is ready to abide by any conditions imposed by this Court and accordingly, he prays for the grant of pre-arrest bail.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally three accused



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persons in this case and the petitioner has been arrayed as A1. He further submits that the petitioner assaulted the husband of the defacto complainant, and took him away in a car and also threatened the daughter of the defacto complainant with dire consequences. He further contends that if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and her family members and therefore, custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

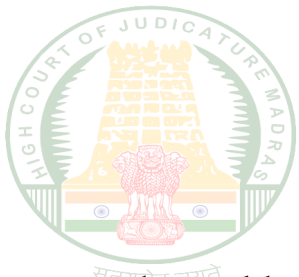
6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence and the fact that there was a money dispute between the petitioner and the defacto complainant and taking note that no injury has been sustained and also taking note of the fact that the petitioner has no previous cases and with a view to give an opportunity to the petitioner, 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

in the event of his surrender before the learned Judicial Magistrate No.I,

<https://www.mhc.tn.gov.in/judis>



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Padmanabhapuram, Kanyakumari District, within a period of 15 days from the date
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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 Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari 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.

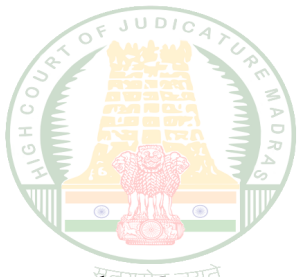
(iii) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

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

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



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

(ix) The petitioner shall not enter into the defacto complainant's house or her working place.

(x) The petitioner shall also not try to contact the defacto complainant and her family members either directly or through any electronic mode.

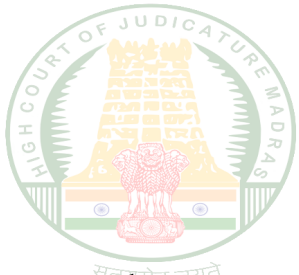
(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court 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/-
05.03.2025

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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 Judicial Magistrate No.I,
Padmanabhapuram,
Kanyakumari District.
- 2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.
- 3.The Sub-Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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05.03.2025

SL(19.03.2025)/ 6P/ 5C

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