



CRL.OP(MD). No.4144 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4144 of 2025

1.Mekala

2.Thangapandi

... Petitioners / Accused rank not known

Vs.

The State of Tamil Nadu,
rep by The Inspector of Police,
Cumbum South Police Station,
Theni District.

Crime No.52 of 2025

... Respondent / Complainant

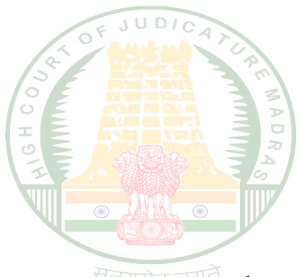
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners on bail in
the event of their arrest in Crime No.52 of 2025 on the file of the respondent-police.

For Petitioners : Mr.S.Muniyandi

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 petitioners on 04.03.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.



CRL.OP(MD). No.4144 of 2025

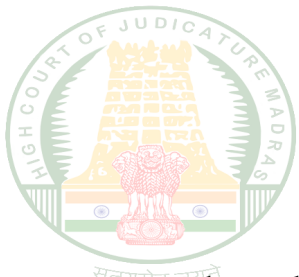
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2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 329(4), 296(b), 115(2) and 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1908 in Crime No.52 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners have received money from the defacto complainant. When the defacto complainant asked to return, a dispute arose between the first petitioner's mother and the defacto complainant. Subsequently, the accused persons entered into the defacto complainant's house, attacked her, abused her in filthy language and threatened her with dire consequences. Hence, the case.

4. Mr.S.Muniyandi, 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. He however submits that the petitioners 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.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police submits that this is a money dispute and no one sustained injury. He further submits that if pre-arrest bail is



CRL.OP(MD). No.4144 of 2025

WEB COPY

granted to the petitioners, they will cause threat to the defacto complainant, her family members, and the witnesses. He therefore strongly opposes to grant pre-arrest bail to the petitioner.

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 the same and also considering the fact that no one sustained injury, 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 Judicial Magistrate, Uthamapalayam, Theni 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) each 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 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

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



CRL.OP(MD). No.4144 of 2025

Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent- police, weekly twice i.e., on every Sunday and Monday at 10.00 am., until further orders.

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

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

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

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

(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate and workplace and shall also not try to contact the defacto complainant either directly or through any electronic mode.

(ix) The petitioners shall not enter into the defacto complainant's residence.

(x) On breach of any of the aforementioned conditions, the learned Judicial



CRL.OP(MD). No.4144 of 2025

WEB COPY

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/-
06.03.2025

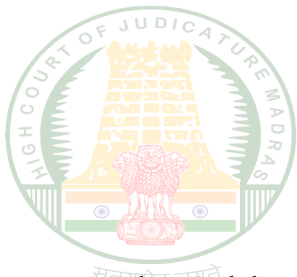
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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

- 1.The Judicial Magistrate,
Uthamapayalam, Theni District.
- 2.Do through the Chief Judicial Magistrate,
Theni District.
- 3.The Inspector of Police,
Cumbum South Police Station,
Theni District.



CRL.OP(MD). No.4144 of 2025

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-2514[I] dated 07/03/2025)

Order made in
CRL.OP(MD). No.4144 of 2025
06.03.2025

SL(21.03.2025)/ 6P/ 6C

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