



CRL.OP(MD). No.4137 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.4137 of 2025

1.Kumaraguru
2.Nagammal
3.Kavitha

... Petitioners / Accused rank not known

Vs.

The State of Tamil Nadu,
rep., by The Inspector of Police,
Thiruchuli Police Station,
Virudhunagar District.
(*)Crime No.72 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 pre-arrest bail in the event of their arrest in (*)Crime No.72 of 2025 on the file of the respondent-police.

For Petitioners : Mr.C.Senthil Murugan
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.



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2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 125(2), 126(2) and 351(3) of BNS, 2023 r/w Section 4 of TNPHW Act, 1998, in (*)Crime No.72 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant has borrowed money from the second petitioner. Due to the non-payment of the said borrowed money, the petitioners are said to have assaulted and abused the defacto complainant in filthy languages, demanding money. Hence, the complaint.

4. Mr.C.Senthil Murugan, 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 further 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 property dispute and



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that the petitioners attacked the defacto complainant. He further submits that the defacto complainant was treated as out-patient. He further submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and witnesses. Hence, he prays for dismissal of this criminal original 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. In view of the nature of the offence leveled against the petitioners, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary. Considering the same, and also considering the facts and circumstances of the case and the fact that the defacto complainant was treated as out-patient, 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, Thiruchuli,



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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, Thiruchuli.

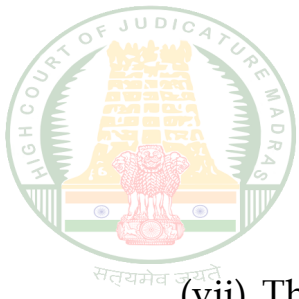
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent- police, daily 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 and witnesses and shall not tamper the evidence.



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(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.

(ix) The petitioners shall not enter into the defacto complainant's residence, and the work place;

(x) 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/-
06/03/2025

(*)Amended as per the order of this court dated
03.04.2025 in CRL MP(MD)No.4503 of 2025 in
CRL OP(MD)No.4137 of 2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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RMK

To be substituted to the order which is already despatched on 18.03.2025

TO

- 1 THE JUDICIAL MAGISTRATE, THIRUCHULI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE INSPECTOR OF POLICE,
THIRUCHULI POLICE STATION,VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.C.SENTHIL MURUGAN, Advocate (SR-2523[I] dated 07/03/2025)

ORDER

IN

CRL OP(MD) No.4137 of 2025

Date :06/03/2025

SS/SKN/SAR- /18/03/2025/ 6P/6C

MK/08/04/2025/ 6P/6C

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