



CRL.OP(MD). No.4332 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4332 of 2025

1.G.Krishnan
2.K.Vasantha

... Petitioners/ A1 & A2

Vs.

State of Tamil Nadu rep. by its
The Inspector of Police,
Vadamadurai Police Station,
Dindigul District.
Crime No.76 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.76 of 2025 on the file of the respondent-police.

For Petitioners : Mr.R.J.Karthick

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

ORDER The Court made the following order :-
<https://www.mca.gov.in/judis>



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This Criminal Original Petition has been filed by the petitioners on 05.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 115(2) of BNS (Corresponding Provisions 294(b) and 323 of IPC) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.76 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 20.01.2025 at about 07.00 am., there was already a quarrel between the parties pertaining to petition given to District Administration to take necessary action against the theft of Panchayat Water for agricultural purpose. Due to the same, the petitioners are said to have abused the defacto complainant in filthy language and assaulted her. Hence, the complaint.

4. Mr.R.J.Karthick, learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as



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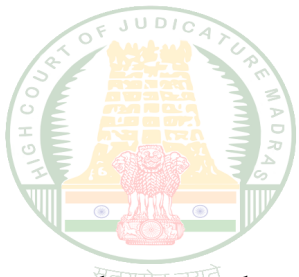
alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that totally, there are 4 accused persons and the petitioners have been arrayed as A1 and A2. He further submits that this is a case in counter and that the defacto complainant sustained simple injury and was treated as out-patient. He further submits that the petitioners have no previous case. He however submits that if pre-arrest bail is granted, they will cause threat to the defacto complainant. He therefore prays for dismissal of this petition.

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

7. The respondent police registered a case against the petitioners under Sections 296(b), 115(2) of BNS (Corresponding Provisions 294(b) and 323 of IPC) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, based on

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

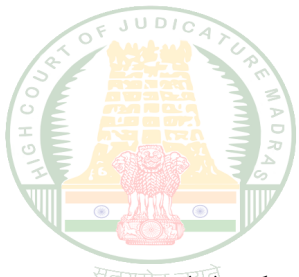


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the complaint given by the defacto complainant. The alleged occurrence took place on 20.01.2025 at 07.00 am. It is learned that the petitioners and the defacto complainant are neighbours, and that some dispute arose between them in respect of tapping panchayat drinking water. Admittedly, simple injury has been caused to the defacto complainant, and the defacto complainant was treated as out-patient. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioners have no previous case and the nature of the offence committed by the petitioners 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, Vedasanthur, 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, Vedasanthur.



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(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, weekly twice i.e., on every Monday and Friday at 10.00 am., until further orders.

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

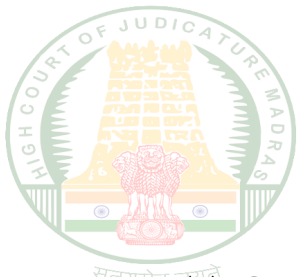
(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

(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 residence and workplace of the defacto complainant.



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(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 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/-
07/03/2025

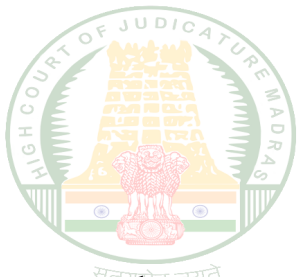
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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

- 1.The Judicial Magistrate, Vedsanthur.
2. Do through the Chief Judicial Magistrate,
Dindigul District.



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

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

Order made in
CRL.OP(MD). No.4332 of 2025
07.03.2025

VN (26/03/2025) 7P / 5C

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