

CRL.OP(MD). No.4241 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.4241 of 2025

Vallithai @ Valliammal

... Petitioner/ A2

Vs.

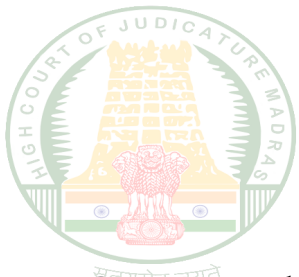
The State of Tamil Nadu,
rep., by the Inspector of Police,
Panagudi Police Station,
Panagudi, Tirunelveli District.
Crime No.211 of 2025

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner herein on bail in the event of her arrest or surrender before the concerned Court in Crime No.211 of 2025 on the file of the respondent-police.

For Petitioner : Mr.N.Pragalathan

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



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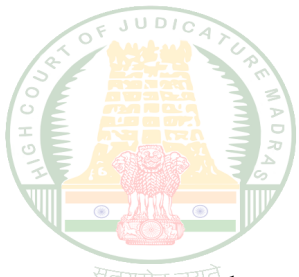
This Criminal Original Petition has been filed by the petitioner on 05.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 126(2), 296(b) and 351(3) of BNS, 2023 and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.211 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that On 01.03.2025 at about 05.00 pm., due to the land dispute, the accused persons abused the defacto complainant in filthy language, damaged the defacto complainant's property worth about Rs.50,000/-, and threatened him with dire consequences. Hence, the complaint.

4. Mr.N.Pragalathan, 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. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by

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



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any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

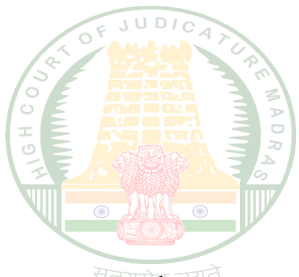
5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police submits that there was a boundary dispute between the petitioner and the defacto complainant. He further submits that A1 was arrested and is still in custody. The petitioner has no previous case. He further submits that if pre-arrest bail is granted to the petitioner, she will cause threat to the defacto complainant. Hence, he prays for dismissal of this petition.

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

7. The petitioner and the defacto complainant have property dispute. The petitioner is a woman. It is learnt that the petitioner's son/ A1 was arrested and is still in custody. The petitioner has no previous case. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the facts and circumstances of the case and with a view to give an opportunity to the petitioner to reform herself, 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

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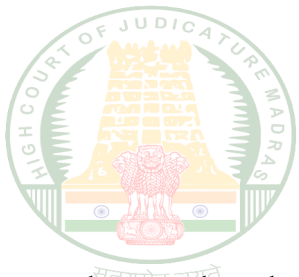
conditions:
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(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.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, Valliyoor, Tirunelveli 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, weekly twice i.e., on every Monday and Friday, at 10.00 am., until further orders.

(iv) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of the Crime No.211 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District. In turn, the



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learned Judicial Magistrate shall deposit the said amount in a nationalized Bank in a
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fixed deposit initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.211 of 2025.

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

(vi) 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.

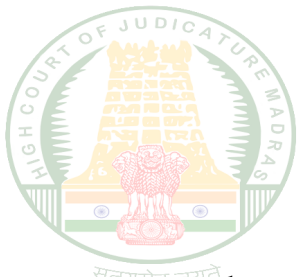
(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and his family members and witnesses and shall not tamper the evidence.

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

(ix) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

(x) The petitioner shall not enter into the defacto complainant's residence and his workplace.

(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



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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

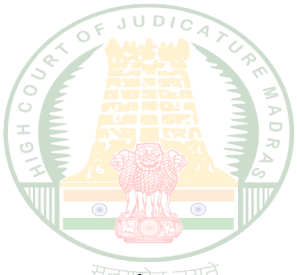
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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

- 1.The Judicial Magistrate, Valliyoor, Tirunelveli District.
2. Do through the Chief Judicial Magistrate,
Tirunelveli District.



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

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

+1 CC to M/S. N. PRAGALATHAN (SR-2567[F] dated 10/03/2025)

Order made in
CRL.OP(MD). No.4241 of 2025
07.03.2025

VN (25/03/2025) 7P / 6C

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