



CRL.OP(MD). No.4384 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4384 of 2025

1.Dharmaraj

2.Shanthini

... Petitioners / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
AWPS Anna Nagar,
Madurai City.
(Crime No.1 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
petitioners in Crime No.1 of 2025 on the file of the respondent-police.

For Petitioners : Mr.S.Vishnuvardhan,
Advocate

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 06.03.2025



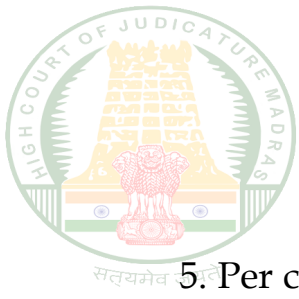
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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 498(A), 406, 420 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.1 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the daughter-in-law of the petitioners. The marriage between the defacto complainant and the son of the petitioners was solemnized on 16.09.2025. At the time of marriage, the defacto complainant's parents have was given gold jewelry, silver articles, and other seethana items to the son of the petitioners. The defacto complainant and the son of the petitioners have no issues. Due to this, the petitioners and their son used to abuse the defacto complainant and subject her to cruelty. Hence, the case.

4. Mr.S.Vishnuvardhan, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that no injury was caused to the defacto complainant. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.



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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 3 accused persons in this case and the petitioners have been arrayed as A2 and A3. He further submits that there are no previous cases against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and tamper with the evidence and that custodial interrogation of the petitioners is necessary in this case to unearth the truth. Accordingly, he prays to dismiss 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. Considering the same and also considering the facts and circumstances of the case, the nature of the offence alleged against the petitioners and the fact that the petitioners are first offenders and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.VI, Madurai, within a period of 15 days from the date on which the order copy is made ready, on



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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 No.VI, Madurai.

(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 10.30 a.m., 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 also 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 not enter into the defacto complainant and her work



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place.
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(ix) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(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/-
13/03/2025

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

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TO

1 THE JUDICIAL MAGISTRATE NO. VI
MADURAI

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.



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3 THE INSPECTOR OF POLICE,
AWPS ANNA NAGAR,
MADURAI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.4384 of 2025

Date :13/03/2025

HPS/SAR / 25.03.2025/6P/5C

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