



CRL OP(MD). No.4525 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Kamatchi

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Sivakasi Town Police Station,
Virudhunagar District.
Crime No.153 of 2023

... Respondent/ Complainant

For Petitioner : Mr.J.Yogeswaran
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For pre-arrest bail in Crime No.153 of 2023 on the file of the respondent-police.

ORDER : The Court made the following order :-



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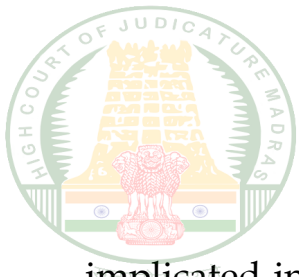
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This Criminal Original Petition has been filed by the petitioner on 07.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.3 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 67 of Information Technology Act, 2000 and Section 506(1) of IPC, 1860 in Crime No.153 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant was the Virudhunagar District Organiser of a political party. Since one Jotheeswaran was selling banned lottery tickets through whatsapp, the petitioner posted a comment against the said Jotheeswaran, due to which the petitioner was expelled from the party. One Manimaran/A1 posted a comment that the petitioner should not be allowed to rejoin into the party. Hence, the defacto complainant sent a whatsapp message to the said Manimaran/A1, against which on 16.04.2023, at about 9.53 p.m., the other accused persons abused the defacto complainant over phone and threatened him with dire consequences. Hence, this case.

4. Mr.J.Yogeswaran, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely



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implicated in this case. He further submits that as directed by this Court vide order, dated 11.03.2025, the petitioner was present before the respondent-police and gave a statement on 24.03.2025. He further submits that due to the instigation of A1, other accused persons threatened the defacto complainant and that the Trial Court granted per-arrest bail to A1. He further submits that A2 was also arrested and released on bail. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, on instructions, submits that the petitioner appeared before the respondent-police on 24.03.2025 and gave a statement. He further submits that A1 was granted pre-arrest bail by the Trial Court and A2 was also arrested and released on bail. He further submits that the petitioner has one previous case, which is not similar in nature. He however submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offence and cause threat to the defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

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

7. A1 was granted pre-arrest bail by the Trial Court. A2 was also arrested and



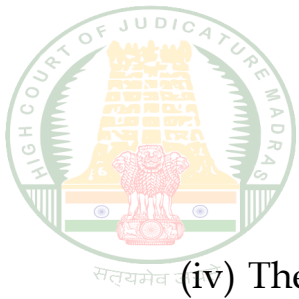
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released on bail. As directed by this Court, the petitioner appeared before the respondent-police and gave a statement on 24.03.2025. Hence, the custodial interrogation of the petitioner is not necessary for the Investigation Agency in this case. Considering the same and also considering the nature of the offence allegedly committed by the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Sivakasi, 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) 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.I, Sivakasi;

(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 No.I, Sivakasi shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Sivakasi;



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(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(v) The petitioner shall make himself 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 leave India without previous permission of the Court;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto-complainant and witnesses and shall not tamper the evidence;

(ix) The petitioner shall not contact the defacto complainant or his family members directly or through electronic mode; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Sivakasi, 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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

APD
TO

1 THE JUDICIAL MAGISTRATE NO.I
SIVAKASI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
VIRUTHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
SIVAKASI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4525 of 2025
Date :24/03/2025

HPS/SAR / 23.04.2025/6P/5C

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