



CRL OP(MD). No.4509 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Ponpandi @ Ponnupandi

... Petitioner/ Accused
rank not known

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Keelarajakularaman Police Station,
Virudhunagar District.
Crime No.69/2025.

... Respondent/ Complainant

For Petitioner : Mr. A.Manikandan
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C33AB- For Anticipatory Bail in Crime No.69/2025 on the file of the respondent-Police.



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ORDER: The Court made the following order :-

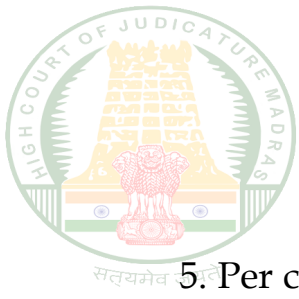
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This Criminal Original Petition has been filed by the petitioner on 07.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused rank not known apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 118(1), 351 (3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.69 of 2025 on the file of the respondent-police.

3. The case for the prosecution is that due to matrimonial dispute, the wife of the petitioner is living separately along with her child in defacto complainant's house (her mother). On 24.02.2025, the petitioner went the defacto complainant's home in a drunken mood and abused her in filthy language. When the same was questioned by the defacto complainant, the petitioner assaulted her with Aruval and also threatened with dire consequences. Hence, the case.

4. Mr.A.Manikandan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has been falsely implicated in this case. However, he submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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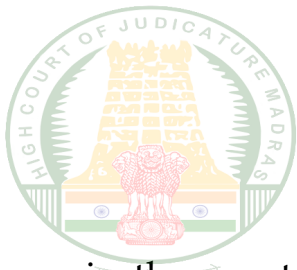
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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a matrimonial dispute between the husband and wife and therefore, the petitioner went to the house of the defacto complainant and attacked her and that the injured was discharged from the hospital. He further submits that the investigation of the case is pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and her family members. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the materials available on record.

7. In view of the offence alleged against the petitioner and the injured was discharged from the hospital, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case and taking note of the fact there was matrimonial dispute between the husband and wife 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 pre-arrest bail in the event of his arrest or



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in the event of his surrender before the learned Judicial Magistrate, Rajapalayam, 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, Rajapalayam.

(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, Rajapalayam, 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 daily at 10.00 a.m., and 5.00 p.m., until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.

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

(vii) The petitioner shall not enter into the defacto complainant's house or her



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work place.

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(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Rajapalayam.

(ix) The petitioner shall not directly or indirectly cause threat to the defacto complainant and her family members and tamper with the evidence.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Rajapalayam 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/-
11/03/2025

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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
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1 THE JUDICIAL MAGISTRATE
RAJAPALAYAM

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

3 THE INSPECTOR OF POLICE
KEELARAJAKULARAMAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.A.MANIKANDAN, Advocate (SR-2682[I] dated 12/03/2025)

ORDER

IN

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Date :11/03/2025

HPS/SAR / 28.03.2025/6P/6C

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