



CRL.OP(MD). No.4644 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4644 of 2025

Nithya

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.
(Crime No.43 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
petitioner in Crime No.43 of 2025 on the file of the respondent police.

For Petitioner : Mr.C.Senthil Murugan,
Advocate

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

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 11.03.2025 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 Section 318(2) of the Bharatiya Nyaya Sanhita, 2023, read with Section 15(2) and (6) of the Indian Medical Council Act, in Crime No.43 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant was conducting surveillance regarding non-medical practitioners engaged in medical treatment and found that the petitioner was in possession of tablets and other medicines. Hence, the present case was registered.

4. Mr.C.Senthil Murugan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that she has not committed any offence as alleged by the prosecution and that a false has been foisted against this petitioner. He further submits that the petitioner is a nurse by profession and completed her nursing course and there are no complaint lodged by the general public against the



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petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has been found in possession of tablets and other medicines and the alleged medicines illegally possessed by the petitioner have been seized. He further submits that the departmental action has also been initiated against the petitioner. He further submits that there are no previous cases against the petitioner. He further contends that if the petitioner is released on pre-arrest bail, the petitioner may commit similar type of offence in future. He, therefore, prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same and the nature of the offence allegedly committed by the petitioner and the alleged medicine illegally possessed by the petitioner have already been seized, this Court is of the opinion that custodial



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interrogation of the petitioner is not necessary. Hence, this Court is inclined to grant
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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 her arrest or in the event of her surrender before the learned Judicial Magistrate, Andipatti, 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, Andipatti.

(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 a.m. until further orders.

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



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(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 also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

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

(ix) 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].



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

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/06/2025

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

PAL
TO

1.THE JUDICIAL MAGISTRATE,
ANDIPATTI.

2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3.THE INSPECTOR OF POLICE,
GANDAMANUR VILAKKU POLICE STATION,
THENI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.4644 of 2025
Date :22/04/2025

HPS/03.06.2025 /6P/5C

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