



CRL.OP(MD). No.4662 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4662 of 2025

1.Mursitha Farhana Begam @
Murshitha Barhana Begam

2.O A Mubarak Ahamed @
Ori Mofarak Ahamed

... Petitioners / Accused Nos.8 & 9

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli City.
(Crime No.9 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.9 of 2025 on the file of the respondent-police.

For Petitioners : Mr.N.Pragalathan,
Advocate

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



CRL.OP(MD). No.4662 of 2025

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For Intervener : Mr.R.L.Dilipan Pandian,
Advocate

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners 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 petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 406, 498(A), 506(i) of IPC, in Crime No.9 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the A1 married the defacto complainant on 26.04.2009. Since the A1 is employed in Dubai, the couple commenced their matrimonial life in Dubai and used to visit India biannually. No children were born out of the said wedlock. It is alleged that A1 to A7 used to harass and abuse the defacto complainant. The defacto complainant came to know about the alleged illicit relationship between the first petitioner herein and A1. On 01.09.2024, while the defacto complainant was in India, she confronted A1 regarding the said relationship. At that time, the first petitioner / A8 threatened her, stating, "I will use your husband to drive you away and take your place. I will also go to Dubai and



CRL.OP(MD). No.4662 of 2025

live happily with your husband in your house.” Subsequently, on 14.02.2025, the defacto complainant returned to India as A1 informed her that he no longer wished to live with her and issued further threats. Hence, the defacto complainant lodged a complaint on 05.03.2025. Hence, the case.

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4. Mr.N.Pragalathan, 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 he submits that a false case has been foisted against the petitioners. 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that A1 is the husband of the defacto complainant. He further submits that the petitioners have been arrayed as A8 and A9. A8 is the sister-in-law of the petitioner and A9 is the father of A8. He further submits that there is a matrimonial dispute between the parties. 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



CRL.OP(MD). No.4662 of 2025

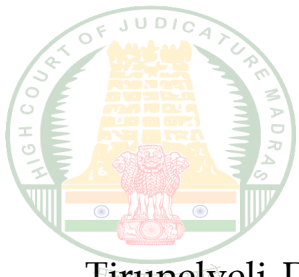
interrogation of the petitioners is necessary in this case. Accordingly, he prays to
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dismiss this Criminal Original Petition.

6. Mr.R.L.Dilipan Pandian, the learned counsel for the intervener/defacto complainant, submits in line with the submissions made by the learned Government Advocate (Criminal Side) appearing for the respondent-police. He further submits that, if this Hon'ble Court is inclined to grant pre-arrest bail to the first petitioner, she may be directed to surrender her passport. Accordingly, he prays that this Criminal Original Petition be dismissed.

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

8. Considering the cumulative facts and circumstances of the case and considering the overt act allegedly committed by the petitioners, 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.V, Tirunelveli,



CRL.OP(MD). No.4662 of 2025

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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.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.V, Tirunelveli, 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 petitioners shall appear and sign before the respondent-police daily at 10.00 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



CRL.OP(MD). No.4662 of 2025

dissuade him from disclosing such facts to the Court or to any police officer.

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(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's house or her work place.

(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].



CRL.OP(MD). No.4662 of 2025

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

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15/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI,
TIRUNELVELI DISTRICT.
2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI CITY.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

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



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CRL.OP(MD). No.4662 of 2025

ORDER
IN
CRL OP(MD) No.4662 of 2025
Date :15/04/2025

VN/09.05 .2025 8P/5C

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