



CRL.OP(MD). No.4698 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

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1.U.Mokkasamy

2.S.Thiruvassagam

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Appanthirupathy Police Station,
Madurai District.
(Crime No.30 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.30 of 2025 on the file of the respondent-police.

For Petitioners : Mr.A.MU.Sharavanan,
Advocate

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



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ORDER : The Court made the following order :-

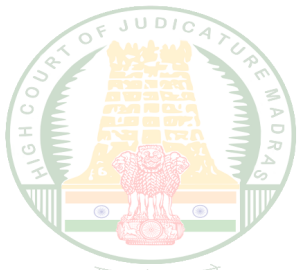
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This Criminal Original Petition has been filed by the petitioners on 11.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 296(b), 351(2) of BNS read with Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.30 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.02.2025 at about 8.00 a.m., the petitioners, who are the driver and the conductor of the bus, moved the bus from the stop before the defacto complainant could board. Thereafter, there was a wordy quarrel between the petitioners and the defacto complainant. Hence, the case.

4. Mr.A.MU.Sharavanan, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioners. He further submits that in fact, when the bus was nearing Kadachanenthall, the husband of the defacto complainant, along with certain others, waylaid the bus and attacked the Petitioners and the second petitioner has lodged a complaint against the defacto complainant's husband and others and the



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same was registered as Crime No.31 of 2025. He further submits that the petitioners have no previous case and that the petitioners are ready to abide by the conditions that may be imposed by this Court. Hence, he 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 the petitioners have been arrayed as A1 and A2. He further submits that there are no previous cases against the petitioners. He further submits that there are cases in counter, and therefore, if this Court grants pre-arrest bail to the petitioners, they will cause threat to the defacto complainant and witnesses. He therefore 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 allegedly committed by the petitioners and the fact that the petitioners are first offenders and taking note of the fact that this is a case in counter 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:



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(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, Madurai, 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, Madurai.

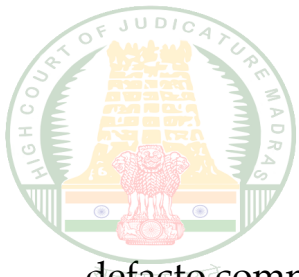
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday 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 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



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defacto complainant and witnesses and shall not tamper the evidence.

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(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 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].

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
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- 1 THE JUDICIAL MAGISTRATE NO. V
MADURAI.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
APPANTHIRUPATHY POLICE STATION,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.MU.SHARAVANAN, Advocate (SR-2933[I] dated 17/03/2025)

ORDER
IN

CRL OP(MD) No.4698 of 2025

Date :13/03/2025

HPS/SAR / 26.03.2025/6P/6C

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