

CRL OP(MD). No.4792 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Balasubramanian

2.Malathi

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Mathur Police Station,
Pudhukottai District.
Crime No.41 of 2025

... Respondent/Complainant

For Petitioners : Mr.M.Yesudasan

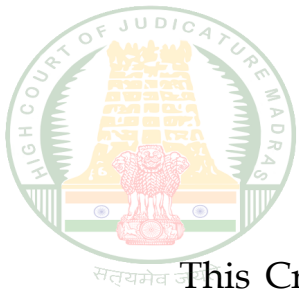
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.41 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioners on 12.03.2025 under Section 482 of 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), 115(2), 351(2) and 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.41 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to previous dispute, the petitioners, who are husband and wife, quarreled with the defacto complainant, assaulted him and threatened him dire consequences. Hence, the case.

4. Mr.M.Yesudasan, learned counsel appearing for the petitioners submits that this a counter case and the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against them. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the defacto complainant sustained simple injuries and was admitted in the hospital on 22.02.2025 and was discharged on 25.02.2025. He further submits that this a counter case. He also states that the



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petitioners have no previous cases. Accordingly, he prays to dismiss this Criminal
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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 and therefore, there is less possibility of absconding. Considering the same along with the the fact that the petitioners and the defacto complainant are neighbours and have previous dispute and that the defacto complainant was already been discharged from the hospital and taking note of the fact that the petitioners are first time offenders 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, Keeranur, Pudhukottai, 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Keeranur, Pudhukottai;

(ii) The sureties shall affix their photographs and left thumb impression in the



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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 make themselves available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioners shall not leave India without the previous permission of the Court;

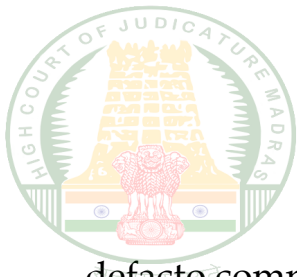
(vi) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Keeranur, Pudhukottai;

(viii) The petitioners shall not enter into the defacto complainant's house or workplace;

(ix) The petitioners shall not try to contact the defacto complainant either directly or through any electronic mode;

(x) The petitioners shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence; and

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(xi) On breach of any of the aforementioned conditions, concerned 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 them 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/-
14/03/2025

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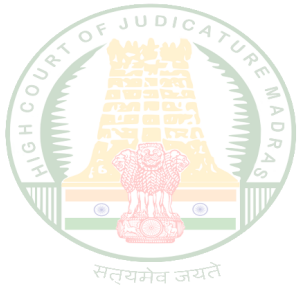
/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
TO

1 THE JUDICIAL MAGISTRATE
KEERANUR, PUDHUKOTTAI

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDHUKOTTAI.

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



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3 THE INSPECTOR OF POLICE
MATHUR POLICE STATION,
PUDHUKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.4792 of 2025
Date :14/03/2025

HPS/SAR / 01.04.2025/6P/5C

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