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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4806 of 2025

1.Muniyammal
2.P.Maruthuvalli ... Petitioners/Accused Nos.1 & 2

Vs.

State rep., by
The Sub-Inspector of Police,
Masarpatti Police Station,
Thoothukudi 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 enlarge the petitioners on bail in the event of their arrest in connection with Crime No.43 of 2025 on the file of the respondent-police.

For Petitioners : Ms.K.Mahalakshmi
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (crl.side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 12.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 115(2) and 118(1) of BNS, 2023 and Section 4 of TNPHW Act, in Crime No.43 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.02.2025 at about 07.00 pm., there was a quarrel between the accused persons and the defacto complainant with regard to the goat that went into the house of the defacto complainant. At that time, the accused persons jointly attacked the defacto complainant and abused her in filthy language. Hence, the case.

4. Ms.K.Mahalakshmi, the learned counsel 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 the petitioners have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order 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 totally, there are three accused persons in this case and that the parties are neighbours. He further submits that the accused persons assaulted the defacto complainant using iron rod and that the

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defacto complainant was admitted in the hospital on 23.02.2025 and discharged from the hospital on 26.02.2025. He further submits that the first petitioner has two previous case and the second petitioner has one previous case. He further submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and others. Hence, he prays for dismissal of this petition.

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

7. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the nature of the offence levelled against the petitioners, this Court is of the opinion that custodial interrogation of the petitioners is no necessary. Considering the same and also considering the facts and circumstances of the case, and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Villathikulam, 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

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Thousand only) to the satisfaction of the learned Judicial Magistrate, Villathikulam.

(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 am., 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 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 furnish their residential address and mobile number to the concerned Magistrate.

(ix) The petitioners shall not enter into the residence of the defacto complainant

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or her work place.

(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/-
14/03/2025

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

RMK
TO

1 THE JUDICIAL MAGISTRATE
VILLATHIKULAM.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.

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3 THE SUB INSPECTOR OF POLICE,
MASARPATTI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.K.MAHALAKSHMI, Advocate (SR-2852[I] dated 14/03/2025)

ORDER
IN
CRL OP(MD) No.4806 of 2025
Date :14/03/2025

HPS /SAR / (04/04/2025) 6P / 6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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