



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 25/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5101 of 2025

1. Selvakumar,
S/o.Vellaiyan,
Kallakkampatti,
Karumalai,
Maranapparai Taluk,
Trichy District.

2. Saranya,
W/o.Parthiban,
Kallakkampatti,
Karumalai,
Maranapparai Taluk,
Trichy District.

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
Crime No. 50/2025

... Respondent/ Complainant

For Petitioners : Mr.M.Pitchai Muthu,
Advocate

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



PRAYER :-

For Anticipatory Bail in Crime No.50 of 2025 on the file of the respondent-Police.

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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 18.03.2025 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), 115(2), 118(1), and 351(3) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.50 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 08.03.2025, due to a matrimonial dispute between the second petitioner and the defacto complainant, Accused No.1, who is the brother of Accused No.2, assaulted the defacto complainant and his mother with bricks and bottles, thereby causing injuries to the defacto complainant. He also abused the defacto complainant by using filthy language and threatened him with dire consequences. Hence, the complaint.

4. Mr.M.Pitchai Muthu, the learned counsel for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution, and that they 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. He further submits that the petitioners are siblings and



the second petitioner is none other than the wife of the defacto complainant.

Accordingly, he prays to grant an order 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 due to a matrimonial dispute between the second petitioner and the defacto complainant, the first petitioner herein attacked the defacto complainant with brick and bottles and thereby, caused injuries on his hands and neck. He further submits that there is no previous case pending against the petitioners. He further submits that the injured was admitted in the hospital on 08.03.2025 and discharged on 20.03.2025. However, he prays to dismiss this Criminal Original Petition.

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

7. It is seen that there was a family dispute between the petitioners and the defacto complainant. It is further seen that the injured has been discharged from the hospital.

8. Considering the facts and circumstances of the case, and considering the nature of the offence allegedly committed by the petitioners, the fact that the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding, the relationship between the second petitioner and the defacto complainant, and taking note of the fact that there are no previous cases against the petitioners, and with a view to give an opportunity to the

petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the



petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

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(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, Manapparai, Trichy 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, Manapparai, Trichy 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, Manapparai, Trichy District, 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 cause threat to the defacto complainant and the witnesses and shall not tamper the evidence;

(vi) The petitioners shall not, directly or indirectly, make any inducement,

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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;

(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 learned Judicial Magistrate, Manapparai, Trichy District;

(ix) The petitioners shall not enter into the defacto complainant's house and work place; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Manapparai, Trichy District 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].

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

Sd/-

25.03.2025

// True Copy //

/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai



सत्यमेव जयते
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1 THE JUDICIAL MAGISTRATE, MANAPPARAI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, THUVARANKURICHI POLICE STATION,
TRICHY DISTRICT.

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

ORDER
IN

CRL OP(MD) No.5101 of 2025

Date :25/03/2025

RS(15/04/2025) 6P/ 5C

Madurai Bench of Madras High Court is issuing
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