



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5081 of 2025

Kannan

... Petitioner/ Sole Accused

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
Sivagiri Police Station,  
Tenkasi District.  
Crime No.112/2025.

... Respondent/Complainant

For Petitioner : Mr. T.Indrachithu  
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.112/2025 on the file of the respondent Police.

ORDER : The Court made the following order :-



This Criminal Original Petition has been filed by the petitioner 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 petitioner / sole accused apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 118(1) and 351 (3) of BNS, 2023 in Crime No.112 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to previous enmity and because of the instigation of the defacto complainant's father, the petitioner's wife separated from him by obtaining a divorce, on 05.03.2025, at about 10.00 hours, the petitioner herein trespassed into the house of the defacto complainant and abused the defacto complainant's father in filthy language. While the same was questioned by the defacto complainant, the petitioner attacked him with bear bottle and also threatened him with dire consequences. Hence, the case.

4. Mr.T. Indrachithu, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate <https://www.mhc.tn.gov.in/judis> (Criminal Side) appearing for the respondent-police, submits that the injured was



discharged from the hospital, and there is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of offences allegedly committed by the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Sivagiri, 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) 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, Sivagiri.

(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, Sivagiri shall obtain a copy of any



one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the learned Judicial Magistrate, Sivagiri on all working days at 10.30 am until further orders.

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner 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 petitioner shall not leave India without the previous permission of the Court.

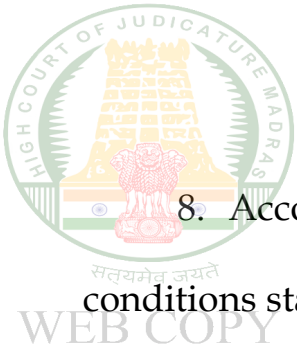
(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not tamper with the evidence.

(viii) The petitioner should not enter into the residence and workplace of the defacto complainant.

(ix) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Sivagiri.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sivagiri is entitled to pass appropriate orders against the petitioner 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/-  
20.03.2025

// True Copy //

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

TRP

TO

1 THE JUDICIAL MAGISTRATE, SIVAGIRI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TENKASI DISTRICT.

3 THE INSPECTOR OF POLICE, SIVAGIRI POLICE STATION,  
TENKASI DISTRICT.

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

+1. CC to T.INDRACHITHU Advocate SR.No.3347[I] Dated 24/03/2025

ORDER  
IN

CRL OP(MD) No.5081 of 2025  
Date :20/03/2025

RS(15/04/2025) 5P/ 6C  
Madurai Bench of Madras High Court is issuing  
certified copies in this format from 17.07.2023.