



CRL OP(MD). No.5090 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. D. Sasidharan,
S/o. Diraviyam
56, Middle Street,
Kanniyampatti,
Uthamapalayam,
Muthulapuram,
Theni District.

2. S. Gobikakalyani,
D/o. Saravanakumara,
No. 225-3, SPK Road,
Chinnamanur,
Uthamapalayam,
Theni District.

3. T. Vinotha,
W/o. Thangamayan,
72, Middle Street,
Muthulapuram,
Theni District.

... Petitioners/ Accused Nos.1, 2 and 3

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Chinnamanur Police Station,
Theni District.
(Crime No. 93 of 2025).

... Respondent/ Complainant



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For Petitioners : Mr.K. Sheenivasan,
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. 93 of 2025 on the file of the respondent-Police.

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), 303(2) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.93 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is running a tea shop. The allegation against the petitioners is that the petitioners herein went to the shop of the defacto complainant and took a sum of Rs.5,200/- from the shop and attacked the defacto complainant and abused him in filthy language. Hence, the case.



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4. Mr.K.Sheenivasan, 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 and 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. 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 the defacto complainant sustained simple injury. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding 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 subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their



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arrest or in the event of their surrender before the learned Judicial Magistrate, Uthamapalayam, 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, Uthamapalayam;

(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, Uthamapalayam, 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 10.30 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 not, directly or indirectly cause threat to the defacto complainant and the witnesses and shall not tamper with the evidence.



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(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, Uthamapalayam;

(ix) Each petitioners shall deposit a sum of Rs.2,000/- (Rupees Two Thousand only) to the credit of Crime No.93 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Uthamapalayam. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.93 of 2025. The learned Judicial Magistrate / Trial Court shall pass orders qua entitlement of the said amount in its final order / Judgment; and

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



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

sd/-
21.03.2025

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

TSG

TO

- 1.The Judicial Magistrate, Uthamapalayam.
- 2.Do through the Chief Judicial Magistrate,
Theni District.
- 3.The Inspector of Police,
Chinnamanur Police Station,
Theni District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5090 of 2025
Date : 20/03/2025

SL(04.04.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.