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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

CRL OP(MD). No.5170 of 2025

Vijayarani

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu Rep.By,
The Inspector of Police, R.S.Mangalam
Police Station Ramanathapuram
District(In Crime No.94/2025).

... Respondent/ Complainant

For Petitioner : Mr.R.Vinoth
Advocate

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.94 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 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 / A1 apprehends arrest at the hands of the respondent-police



for the offences punishable under Sections 296(b), 115(2) and 118(1) of BNS, 2023 in Crime No.94 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that on 12.03.2025 at about 15.00 hours, there was a wordy quarrel between the petitioner and the defacto complainant. Due to this, the petitioner waylaid the defacto complainant, abused her in filthy language and then attacked her with spade logs on her head, thereby, causing injuries. Hence, the case.

4. Mr.R.Vinoth, the learned counsel for the petitioner, submits that the petitioner is an innocent person, that she has not committed any offence as alleged by the prosecution, and that she 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*, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that this is a case in counter, and the injured was discharged from the hospital. 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, she 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.



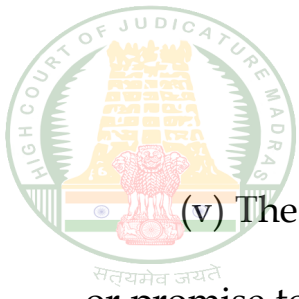
Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of offences allegedly committed by the petitioner, and taking note of the fact that the injured was discharged from the hospital, and with a view to give an opportunity to the petitioner to reform herself, 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 her arrest or in the event of her surrender before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram 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) 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, Thiruvadanai, Ramanathapuram 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, Thiruvadanai, Ramanathapuram District 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, Thiruvadanai, Ramanathapuram District, on all working days at 10.30 am until further orders.

(iv) The petitioner shall make herself 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 shall furnish her residential address and mobile number to the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District 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/-

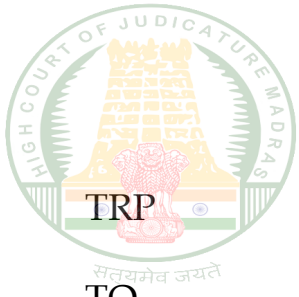
20.03.2025

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/04/2025

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

Madurai Bench of Madras High Court,
Madurai.



TO
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1 THE JUDICIAL MAGISTRATE, THIRUVADANAI,
RAMANATHAPURAM DISTRICT.

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

3 THE INSPECTOR OF POLICE, R.S.MANGALAM POLICE STATION
RAMANATHAPURAM DISTRICT.

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

+1. CC to R. VINOTH Advocate SR.No.3260[I] Dated 21/03/2025

ORDER
IN

CRL OP(MD) No.5170 of 2025
Date :20/03/2025

RS (16/04/2025) 5P/ 6C

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