



CRL OP(MD). No.5321 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5321 of 2025

- 1.Periyasamy
- 2.Uma @ Umamageswari
- 3.Dhanam @ Dhanalakshmi
- 4.Suresh @ Sureshkannan.

... Petitioners/Accused Nos.1 & 3 to 5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram.
Cr. No. 97 of 2025

... Respondent/Complainant

For Petitioners : Mr.K.Saravanan

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. 97 of 2025 on the file of the respondent-
Police.

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.5321 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 19.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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 189(2), 329(4), 296(b), 115(2), 118(1), 324(2) and 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No. 97 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's daughter married with one Vicky, who is the son of the first petitioner. On 13.03.2025, at about 6.30 p.m., when A2, who is nephew of the first petitioner, rode his two-wheeler at a high speed in front of defacto complainant's house, when the defacto complainant's husband questioned the same, the petitioners and other accused persons trespassed into the house of the defacto complainant, abused the defacto complainant, her mother-in-law and daughter-in-law with filthy language and attacked them with wooden log. Hence, the case.

4. Mr.K.Saravanan, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence



CRL OP(MD). No.5321 of 2025

WEB COPY

as alleged by the prosecution. He further submits that the petitioners were falsely implicated in this case. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that the first petitioner has not been arrayed as accused in this case and hence, he has no apprehension of arrest at the hands of the respondent-police. He further submits that the petitioners 2 to 4/ A3 to A5 were trespassed into the house of the defacto complainant, abused her with filthy language and attacked her with wooden log. He further submits that the defacto complainant was admitted in hospital on 13.03.2025 and discharged on 15.03.2025. He further submits that the fourth petitioner/ A5 alone has one previous case. He however submits that if pre-arrest bail is granted to the petitioners 2 to 4/ A3 to A5, they may commit similar type of offence and may cause threat to the defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the fact that the first petitioner has not been arrayed as accused in this case and he has no real apprehension of arrest at the hands of the respondent-police, this petition is dismissed insofar as the first petitioner is concerned.



CRL OP(MD). No.5321 of 2025

However, as regards the petitioners 2 to 4/ A3 to A5, this petition survives.

WEB COPY

8. As far as the petitioners 2 to 4/ A3 to A5 are concerned, considering the facts and circumstances of the case, and also considering the fact that the petitioners 2 to 4/ A3 to A5 have permanent residence and deep roots in the society and hence, there is less possibility of absconding and taking note of the fact that the fourth petitioner/ A5 alone has one previous case and the petitioners 2 and 3/ A3 and A4 have no previous case, and the injured was discharged from the hospital, and with a view to give an opportunity to the petitioners 2 to 4/ A3 to A5 to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners 2 to 4/ A3 to A5 subject to the following conditions:

(i) The petitioners 2 to 4/ A3 to A5 shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram, 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, Thiruvadanai, Ramanathapuram;

(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



CRL OP(MD). No.5321 of 2025

Practice, 2019]. The learned Judicial Magistrate, Thiruvadanai, Ramanathapuram, shall obtain a copy of any one of identity proofs to ensure their identity;

WEB COPY

(iii) The petitioners 2 to 4/A3 to A5 shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram;

(iv) The petitioners 2 to 4/A3 to A5 shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(v) The petitioners 2 to 4/A3 to A5 shall make themselves available for interrogation by a police officer as and when required;

(vi) The petitioners 2 to 4/A3 to A5 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;

(vii) The petitioners 2 to 4/A3 to A5 shall not leave India without previous permission of the Court;

(viii) The petitioners 2 to 4/A3 to A5 shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners 2 to 4/A3 to A5 in accordance with law as if the aforementioned conditions are imposed by him as laid



CRL OP(MD). No.5321 of 2025

down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC
WEB COPY
283].

9. Accordingly, this Criminal Original Petition is allowed insofar as the petitioners 2 to 4/ A3 to A5 are concerned, subject to the conditions stated supra and this Criminal Original Petition is dismissed insofar the first petitioner is concerned.

sd/-
21/03/2025

/ TRUE COPY /

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

apd
To

1. The Judicial Magistrate,
Thiruvadanai, Ramanathapuram.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
R.S.Mangalam Police Station,
Ramanathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.5321 of 2025
Date :21/03/2025

MK/SAR /15.04.2025 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023
<https://www.mhc.tn.gov.in/judis>