



CRL.OP(MD). No.5441 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5441 of 2025

1.Kalarani

2.Kumar

3.Sibi Chakravarthi

... Petitioners / Accused Nos.1 to 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.143 of 2025)

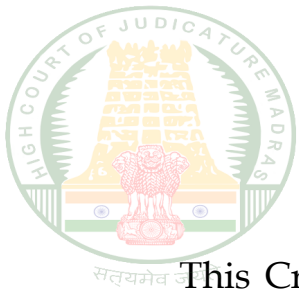
... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.143 of 2025 on the file of the respondent-police.

For Petitioners : Mr.R.Rajaram,
Advocate
for Mr.V.Malaiyendran
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER : The Court made the following order :-



CRL.OP(MD). No.5441 of 2025

WEB COPY

This Criminal Original Petition has been filed by the petitioners on 20.03.2025 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), 132, 115(2) and 351(2) of BNS, 2023, in Crime No.143 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is employed as a salesman at TASMACH Shop in Kattoorani, Ramanathapuram District. On 19.03.2025, at about 4:00 p.m., the accused, who are political persons, entered into the TASMACH shop and attempted to affix a photograph of the Tamil Nadu Chief Minister in front of the door. The defacto complainant objected to affixing any photo, which led to an altercation. At that time, the accused allegedly used filthy language, issued threats, and physically pulled the defacto complainant. Based on these allegations, the present complaint has been lodged against the petitioners.

4. Mr.R.Rajaram, the learned counsel appearing for Mr.V.Malaiyendran, 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 a false case has been foisted against the petitioners. He further submits that the petitioners will not commit a similar offence in the future. He however submits that the



CRL.OP(MD). No.5441 of 2025

petitioners are ready to abide by any conditions to be imposed by this Court.

WEB COPY

Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent police, submits that the petitioners have been arrayed as A1 to A3. He further submits that the accused persons entered the TASMAC shop and attempted to affix a photograph of the Tamil Nadu Chief Minister in front of the door. When the defacto complainant objected, the accused persons allegedly abused him using filthy language, physically pulled him, and threatened him with dire consequences. He further contends that if the petitioners is released on pre-arrest bail, they will again cause threat to the defacto complainant and will commit similar type of offence in future. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and taking into account the undertaking given by the petitioners that they will not commit a similar offence in the future, this Court is inclined to grant pre-arrest bail to the petitioners.

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



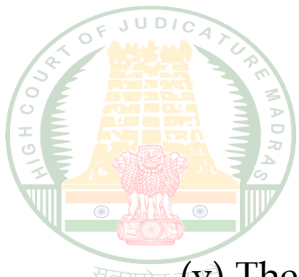
CRL.OP(MD). No.5441 of 2025

or in the event of their surrender before the learned Judicial Magistrate No.II, 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.25,000/- (Rupees Twenty Five Thousand only) each 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 No.II, 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 Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall file undertaking affidavit before the learned Judicial Magistrate No.II, Ramanathapuram as they will not commit similar type of offence in future at the time of execution of suretyship.

(iv) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.



CRL.OP(MD). No.5441 of 2025

WEB COPY

(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) 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.

(vii) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, his or her family members and witnesses and shall not tamper the evidence.

(viii) The petitioners shall not enter into the defacto complainant's house or his working place.

(ix) The petitioners shall also not try to contact the defacto complainant and his family members either directly or through any electronic mode.

(x) The petitioners shall not leave India without the previous permission of the Court.



CRL.OP(MD). No.5441 of 2025

WEB COPY

(xi) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

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

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

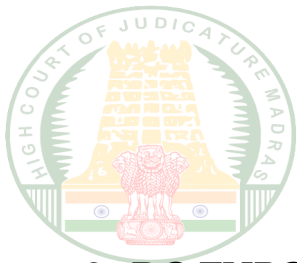
sd/-
26/03/2025

/ TRUE COPY /

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

pal
TO

1 THE JUDICIAL MAGISTRATE NO II
RAMANATHAPURAM.



CRL.OP(MD). No.5441 of 2025

2 DO THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.V.MALAIYENDRAN, Advocate (SR-3499[I] dated 26/03/2025)

ORDER
IN

CRL OP(MD) No.5441 of 2025

Date :26/03/2025

HPS/SAR / 22.04.2025/7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023.