



CRL.OP(MD). No.5530 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5530 of 2025

1.Manickam

2.A.Esakkipandi

... Petitioners / A16 and A7

Vs.

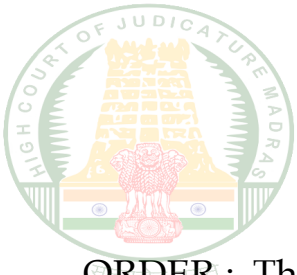
The State of Tamil Nadu rep by
The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.99 of 2025)

... 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.99 of 2025 on the file of the respondent-police.

For Petitioners : Mr.C.Susikumar,
Advocate

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



CRL.OP(MD). No.5530 of 2025

ORDER : The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioners on 21.03.2025 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 191(2), 329(4), 296(b), 115(2), 87, 74, 351(3) of BNS read with Section 49 of BNS and read with Section 4 of Tamilnadu Prohibition of Woman Harassment Act, 2002, in Crime No.99 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant has four daughters. His second daughter, who aged about 24 years, has completed her M.Com. and is working in a private company at Kallikulam. Two months prior to the occurrence, the first accused had approached the defacto complainant and asked his second daughter, proposing marriage with his brother. Since the proposal was refused, on 16.03.2025, at about 9:30 a.m., all the accused persons, including the petitioners, allegedly kidnapped his daughter. Upon witnessing the incident, the defacto complainant and his family members attempted to rescue her. However, the accused persons allegedly assaulted them, issued serious threats to their lives, and proceeded to kidnap her. Based on these allegations, the FIR was registered.



CRL.OP(MD). No.5530 of 2025

WEB COPY

4. Mr.C.Susikumar, 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 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 petitioners and the defacto complainant are relatives. He further submits that the accused persons including the petitioners, allegedly kidnapped the daughter of the defacto complainant. He further submits that the petitioners have been arrayed as A16 and A7. He further submits that there are no previous cases against the petitioners. He further contends that if the petitioners is released on pre-arrest bail, they will again cause threat to the defacto complainant and his family. 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 and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also



CRL.OP(MD). No.5530 of 2025

WEB COPY

considering the nature of the offence alleged against the petitioners and taking note of the fact that there are no previous cases against the petitioners 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. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

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

(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 appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

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



CRL.OP(MD). No.5530 of 2025

WEB COPY

(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 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.

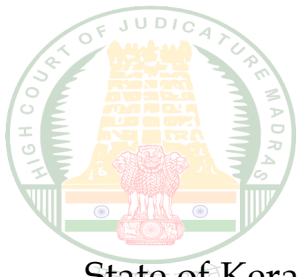
(vii) The petitioners shall not enter into the defacto complainant's house or his working place.

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

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

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

(xi) 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.



CRL.OP(MD). No.5530 of 2025

State of Kerala [(2005) 13 SCC 283].

WEB COPY

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

sd/-
25/03/2025

/ 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,
NANGUNERI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3.The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-3478[I] dated 26/03/2025)



WEB COPY



CRL.OP(MD). No.5530 of 2025

ORDER
IN
CRL OP(MD) No.5530 of 2025
Date :25/03/2025

MK/SAR /16.04.2025 7P/6C

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