



CRL OP(MD). No.5591 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5591 of 2025

Kavidha

... Petitioner/ A2

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
Uthamapalayam Police Station,
Theni.
Cr.No.92 of 2025.

... Respondent/ Complainant

For Petitioner : Ms. K.Varshini for Mr.A. Joseph Jerry
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 Cr.No.92 of 2025 on the file of the respondent police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / A2 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 324(4), 329(4), 296(b), 351(3) of BNS, 2023 and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.92 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to property dispute, on 17.03.2025, the petitioner herein and other accused persons entered into the house of the defacto complainant and abused him in filthy language and threatened him with dire consequences. Hence, the case.

4. Ms.K.Varshini, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and she has not committed any offence as alleged by the prosecution, and she has been falsely implicated in this case. He however



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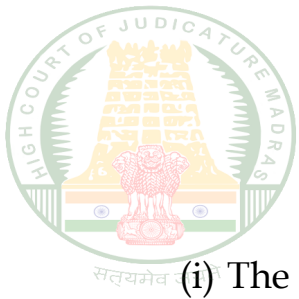
submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

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5. Per contra, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that no one has sustained injury in the said occurrence. 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 and commit the similar offence. 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 no one has sustained injury in the said occurrence 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.



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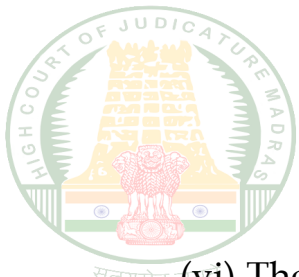
(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Uthamapalayam, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall appear and sign before the respondent – Police weekly once i.e., on every Sunday and 10.00 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.



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Court.

(vi) The petitioner shall not leave India without the previous permission of the

(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, Uthamapalayam.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam 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/-
26/03/2025

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/04/2025

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

TRP



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TO मेव जयते

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM, THENI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION,
THENI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to A. JOSEPH JERRY Advocate SR.No.3521 DT.27/03/2025

ORDER IN
CRL OP(MD) No.5591 of 2025
Date :26/03/2025

PR/30.04 .2025 6P/6C

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