



CRL OP(MD). No.5598 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5598 of 2025

1.Senthil Saravanan

2.Subbaiah Dass

3.Shanthi

4.Vani @ Isaivani

5.Sankareshwari

... Petitioners/ Accused Nos.1 to 5

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Moolakaraipatty Police Station,
Tirunelveli District.
Crime No.91 of 2025

... Respondent/Complainant

For Petitioners	: Mr.P.M.Vishnuvarthanan, Advocate
For Respondent	: Mr.K.Sanjai Gandhi, Government Advocate (Criminal Side)



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PRAYER:-

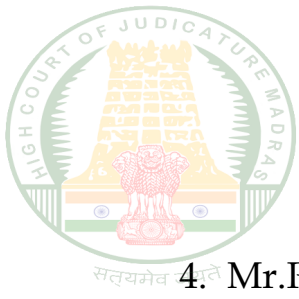
For anticipatory bail in Crime No.91 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

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

2. The petitioners / Accused Nos.1 to 5 apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 191(2), 191(3), 332(b), 296(b), 115(2), 118(2), 109(1), 351(3) and 49 of the BNS, 2023 and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) act, 1992, in Crime No.91 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to previous enmity existing between the petitioners and the defacto complainant, the petitioners along with other accused persons unlawfully assembled at the place of occurrence on 14.03.2025, at about 01.30 a.m., with deadly weapons. They attacked the family members of the defacto complainant with those weapons, causing grievous injuries and attempted to murder of the defacto complainant and her daughter-in-law. Hence, the case.

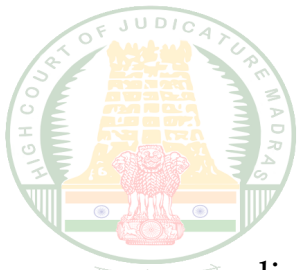


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4. Mr.P.M.Vishnuvarthanan, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police submits that the petitioners and the defacto complainant are close relatives. He further submits that due to previous enmity existing between the petitioners and the defacto complainant, the petitioners herein attacked the defacto complainant with deadly weapons and caused grievous injuries to the defacto complainant and her daughter-in-law. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and the witnesses. He further submits that there are ten accused persons in this case and the petitioners have been arrayed as Accused Nos.1 to 5. He further submits that there are five victims in this case. He further submits that this Court had already granted pre-arrest bail to petitioner Nos.3 to 5 in Crl.O.P. (MD).No.6194 of 2025 on 09.04.2025. He further submits that there are four previous



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cases pending against the first petitioner and two previous cases pending against the second petitioner. Hence, he strongly opposes to grant pre-arrest bail to the petitioners.

6. Heard on both sides. This Court has perused the case file.

7. This Court has already granted pre-arrest bail to petitioner Nos.3 to 5. Hence, the learned counsel appearing for the petitioners seeks permission of this Court to not press this case insofar as petitioner Nos.3 to 5.

8. Considering the submission made by the learned counsel appearing for the petitioners, this Criminal Original Petition stands dismissed as not pressed insofar as Petitioner Nos.3 to 5.

9. The petitioner Nos.1 and 2 have permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the relationship between petitioner Nos.1 and 2 and the defacto complainant and with a view to give one more opportunity to petitioner Nos.1 and 2 to reform themselves, this Court is inclined to grant pre-arrest bail to petitioner Nos.1 and 2, however, subject to certain conditions. Accordingly, pre-arrest bail is granted to petitioner Nos.1 and 2 subject



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to the following conditions:

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(i) The petitioner Nos.1 and 2 shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Nanguneri, Tirunelveli 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.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, Nanguneri, Tirunelveli 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, Nanguneri, Tirunelveli District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner Nos.1 and 2 shall stay at Nagercoil and shall appear and sign before the Inspector of Police, Kottar Police Station, Nagercoil, daily at 10.00 a.m., and 05.00 p.m., until further orders;

(iv) The petitioner Nos.1 and 2 shall make themselves available for interrogation by a police officer as and when required;

(v) The petitioner Nos.1 and 2 shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so



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as to dissuade them from disclosing such facts to the Court or to any police officer;

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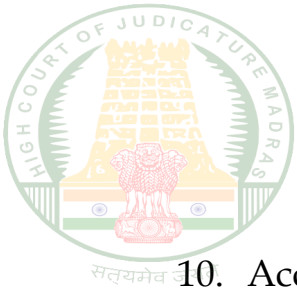
(vi) The petitioner Nos.1 and 2 shall not leave India without the previous permission of the Court;

(vii) The petitioner Nos.1 and 2 shall not, directly or indirectly, cause any threat to the defacto complainant and the witnesses and shall not tamper the evidence;

(viii) The petitioner Nos.1 and 2 shall furnish their residential address and mobile number to the learned Judicial Magistrate, Nanguneri, Tirunelveli District;

(ix) The petitioner Nos.1 and 2 should not enter into the house of the defacto complainant, victims or their work place and should not enter into the Moolakaraipatty Village without getting prior permission from the concerned Judicial Magistrate; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Nanguneri, Tirunelveli District, or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner Nos.1 and 2 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].



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10. Accordingly, this Criminal Original Petition is allowed in respect of petitioner Nos.1 and 2 subject to the conditions stated supra.

sd/-
09/04/2025

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1.THE JUDICIAL MAGISTRATE, NANGUNERI, TIRUNELVELI DISTRICT.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
MOOLAKARAIPATTY, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.P.M. VISHNUVARTHANAN (SR-24304[F] dated 15/04/2025)

ORDER
IN
CRL OP(MD) No.5598 of 2025
Date :09/04/2025

VN/27.05.2025 /7P/6C

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