



CRL.OP(MD). No.5716 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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Rajammal
(wrongly mentioned as Rakkammal)

... Petitioner / Accused No.3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
S.V.Mangalam Police Station,
Sivagangai District.
(Crime No.34 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 petitioner in Crime No.34 of 2025 on the file of the respondent police.

For Petitioner : Mr.T.Veerakumar,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(1), 74, 324(1) and 351(1) of BNS, 2023 and Section 4 of the Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.34 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the defacto complainant are neighbors and have ongoing disputes. On 21.03.2025, in the morning, both of them got into a verbal quarrel, which was recorded on a mobile phone, for which the petitioner and other accused persons abused the defacto complainant in filthy language and assaulted the defacto complainant. Accused Nos.1 and 2 were arrested on 21.03.2025 and remanded to judicial custody. Hence, the case.

4. Mr.T.Veerakumar, 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. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is 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 petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a boundary dispute



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between the parties. He further submits that this is a case in counter case. He further submits that there are no previous cases against the petitioner. He further submits that the petitioner along with other accused person assaulted the defacto complainant. He further submits that the injured was admitted in the hospital on 18.03.2025 and was discharged on 24.03.2025. He further submits that if pre-arrest bail is granted to the petitioner, she will cause threat to the defacto complainant and tamper with the evidence. He therefore 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. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner is a first offender and the injured was discharged from the hospital and also taking into account of the fact that the petitioner is a woman and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(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 Court, Singampunari, within a period of 15 days from the date on which the order copy is



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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 Court, Singampunari.

(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.

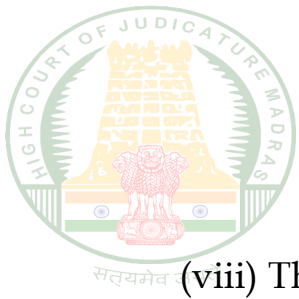
(iii) The petitioner shall appear and sign before the respondent-police weekly thrice i.e., on every Monday, Wednesday and Friday at 10.00 a.m. until further orders.

(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.

(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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



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Court.

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

(ix) The petitioner shall furnish her residential address and mobile number to the concerned Magistrate.

(x) 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 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/-
27/03/2025

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/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 COURT,
SINGAMPUNARI.



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2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE,
S.V.MANGALAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to T. VEERAKUMAR Advocate SR.No.3605(I) DT.28.03.2025

ORDER
IN

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Date :27/03/2025

PP//SAR-(15.04.2025) 6P 6C

Madurai Bench of Madras High Court is issuing
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