



CRL.OP(MD). No.5726 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

CRL.OP(MD). No.5726 of 2025

V.R.Swaminathan

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Papanasam Police Station,
Thanjavur District.
(Crime No.83 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.83 of 2025 on the file of the respondent police.

For Petitioner : Mr.AN.Ramanathan,
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 grant an order of pre-arrest bail.



CRL.OP(MD). No.5726 of 2025

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 132 of BNS, 2023, in Crime No.83 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is the Block Development Officer of Papanasam Panchayat Union, lodged a complaint before the respondent-police. According to the complaint, as per the District Collector's proceedings, tender work related to construction of toilets for Anganwadi Children was in progress, and on 10.03.2025, at around 10:00 a.m., the petitioner, who is one of the contractors, came to the defacto complainant's office and questioned the absence of the cashier. When the office manager instructed him to pay via challan and collect the schedule, the petitioner refused to pay and left. Later, at around 4:20 p.m. i.e., after the tender schedule issuance period has ended, the petitioner entered the office and shouted for non issuance of schedules and obstructing the defacto complainant from carrying out her official duties. Hence, this complaint was filed.

4. Mr.AN.Ramanathan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions



CRL.OP(MD). No.5726 of 2025

to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused person abused the defacto complainant in filthy language and threatened with dire consequences. He further submits that there are no previous cases against the petitioner. He further contends that if pre-arrest bail is granted to the petitioner, he will commit a similar offence in future. However, 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 and therefore, there is less possibility of absconding. Considering the same and the nature of the offence allegedly committed by the petitioner, and considering the fact that there is no injury caused and also taking note of the fact that there are no previous cases against the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned District Munsif cum Judicial Magistrate Court, Papanasam, within a period of 15 days from the date on which the



CRL.OP(MD). No.5726 of 2025

order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees
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Twenty Five Thousand only) along with two sureties each for a like sum of
Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned
District Munsif cum Judicial Magistrate Court, Papanasam.

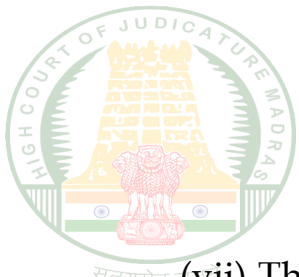
(ii) The sureties shall affix their photographs and left thumb impression in the
Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of
Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of
identity proofs to ensure their identity.

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

(iv) The petitioner shall make himself 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.



CRL.OP(MD). No.5726 of 2025

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Court.

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

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

(ix) 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.

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CRL.OP(MD). No.5726 of 2025

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1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE COURT,
PAPANASAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
PAPANASAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to M/S RAMANATHAN.AN Advocate SR.No.3634(I) DT.28.03.2025

ORDER
IN

CRL OP(MD) No.5726 of 2025

Date :27/03/2025

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

Madurai Bench of Madras High Court is issuing
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