



CRL OP(MD). No.5766 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Sathishkannan
2. Pandiselvi

... Petitioners/ A1 and A2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No.51/2025.

... Respondent/Complainant

For Petitioners : Mr.P.Muthusamy
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 Crime No.51/2025 on the file of the respondent - Police.



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ORDER: The Court made the following order :-

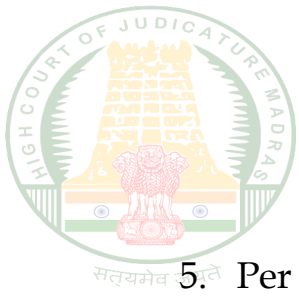
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This Criminal Original Petition has been filed by the petitioners on 26.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / Accused Nos. 1 and 2 apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 115(2) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.51 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.03.2025, at around 8.00 am the defacto complainant was sweeping the front yard of her house. At that time A2, who is her neighbour abused her using filthy language that defacto complainant dumping garbage near their house when the defacto complainant denied said allegation A1, assaulted her and A2 also assaulted her with stick. Hence, the case.

4. Mr. P.Muthusamy, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. 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.



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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 injured was discharged from the hospital. He further submits that the investigation of the case is pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the fact that the petitioners have no prior antecedents and that in this case there is no material on record as how that custodial interrogation of petitioner is necessary. Further, the petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and taking note of the fact that the injured was discharged from the hospital and also 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,



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Thiruvadanai, 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, Thiruvadanai.

(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, Thiruvadanai shall obtain a copy of any one of identity proofs to ensure their identity.

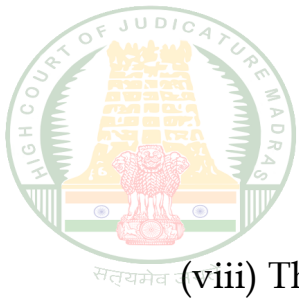
(iii) The petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 am until further orders.

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

(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 and witnesses and tamper with evidence.

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



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(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thiruvadanai.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruvadanai 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. State of Kerala [(2005) 13 SCC 283].

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

sd/-
28/03/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp
TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE,
THIRUVADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.P.Muthusamy Advocate SR.No.3706 Dated :01/04/2025

ORDER
IN
CRL OP(MD) No.5766 of 2025
Date :28/03/2025

MK/SAR /17.04.2025 6P/6C

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