



CRL.OP(MD). No.5844 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5844 of 2025

1.Hemamalini

2.Sathish

... Petitioners/ Accused Nos.1 & 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Sivagangai Town Police Station,
Sivagangai.
(Crime No.165 of 2025)

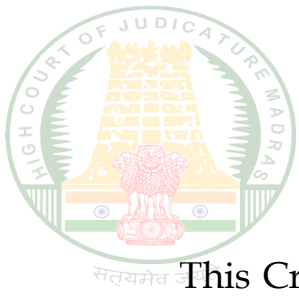
... Respondent / Complainant

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
petitioners in Crime No.165 of 2025 on the file of the respondent-police.

For Petitioners : Mr.N.Jeyaram Sidharth,
Advocate

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

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 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 353(2) of BNS and 4(B) of the Tamil Nadu Open Places (Prevention of Disfigurement) Act, 1959, in Crime No.165 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.03.2025, at about 12:15 p.m., the petitioners, along with others, visited TASMACH Shop No.7514 and pasted a wall poster featuring the portrait of the Hon'ble Chief Minister of Tamil Nadu. Despite this, the defacto complainant, who is the supervisor of the TASMACH shop, attempted to prevent the petitioners and others from sticking the portrait, thereby restraining them in the course of his official duty. Hence, the case.

4. Mr.N.Jeyaram Sidharth, 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 a false case has been foisted against the petitioners. He



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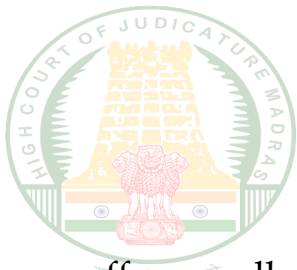
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further submits that the petitioners have been filed an undertaking affidavit stating that they will not indulge in such type activities in the future. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have been arrayed as A1 and A3. 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 petitioners, they 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. Considering the fact that the petitioners have no bad antecedents and they have permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the nature of



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offences allegedly committed by the petitioners and taking note that the affidavit filed by the petitioners and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail 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 No.I, Sivagangai, 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 No.I, Sivagangai.

(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 petitioners shall appear and sign before the respondent-police daily at 09.00 a.m. until further orders.



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(iv) The petitioners shall appear before the respondent-police as and when required for interrogation.

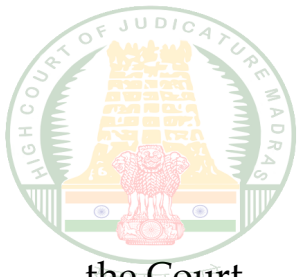
(v) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(vi) 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.

(vii) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, his family members and witnesses and shall not tamper the evidence.

(viii) The petitioners shall not enter into the defacto complainant's house or his working place and shall also not try to contact the defacto complainant.

(ix) The petitioners shall not leave India without the previous permission of



the Court.
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(x) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(xi) 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 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/-
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.

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To धर्मेव जयते

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- 1.THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SIVAGANGAI TOWN POLICE STATION,
SIVAGANGAI.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.5844 of 2025

Date :09/04/2025

VN/13.05.2025 7P/5C

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