



CRL.OP(MD). No.5849 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Manikandan
2.Esaivani

... Petitioners/ Accused Rank
Not Known

Vs.

The State of Tamil Nadu,
rep by the Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
Crime No.153 of 2025

... Respondent /Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioners / Accused Rank Not Known on bail in the event of their arrest in connection with Crime No.153 of 2025 on the file of the respondent- Police.

For Petitioners : Mr.S.Vishnuvardhan

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.side)

ORDER : The Court made the following order :-

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



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to grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 296(b), 115(2), 329(4) and 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.153 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that when the children of the petitioners and the defacto complainant were playing, a wordy quarrel arose between them and the same was informed to their respective parents. Subsequently, the petitioners went to the defacto complainant's house, questioned the same, abused her in filthy language, and attacked, causing injuries. Hence, the case.

4. Mr.S.Vishnuvardhan, learned counsel for the petitioners, submits that the petitioners are innocent persons, and that they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. 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, learned Government Advocate (Criminal Side) appearing for the respondent-police submits that the defacto complainant was admitted in the hospital on 23.03.2025 and discharged on 27.03.2025. He further



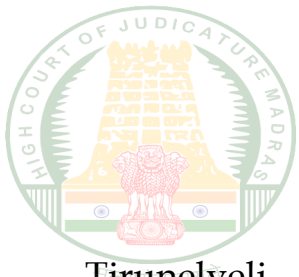
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submits that the petitioners have no previous case. However, he submits that if pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and witnesses. Hence, he opposes to grant pre-arrest bail to the petitioners.

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

7. In view of the nature of the offence levelled against the petitioners, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary in this case. Further, the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case, and 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 No.III, Tirunelveli, 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.III,



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(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 report before the respondent-police, daily at 10.00 a.m., until further orders.

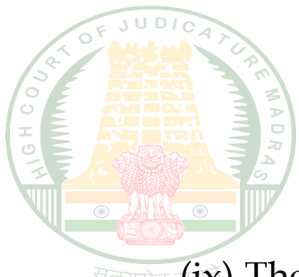
(iv) The petitioners make themselves available for interrogation by a police officer as and when required.

(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 them from disclosing such facts to the Court or to any police officer.

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

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

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



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workplace.

(ix) The petitioners shall not enter into the defacto complainant's house and her

(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/-
28/03/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

1.The Judicial Magistrate No.III, Tirunelveli.

2. The Chief Judicial Magistrate, Tirunelveli.

3.The Inspector of Police,
Sivanthipatti Police Station,Tirunelveli District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER

IN

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Date :28/03/2025

PP/SAR. /02.05.2025/6P/5C

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