



CRL OP(MD). No.5945 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Anandham

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kumbakonam Taluk Police Station,
Thanjavur District.
Crime No.72 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.Arun Ramnath

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.72 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.03.2025



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 189(2), 333, 331(3), 74 and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 4 of Prohibition of Harassment of Women Act, 2002 in Crime No.72 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that property dispute exists between the petitioner and the defacto complainant. While so, on 04.03.2025, at about 04.00 p.m., the petitioner and other accused persons trespassed into the defacto complainant's house. When the same was questioned by the defacto complainant, the petitioner herein pushed her down. Hence, the case.

4. Mr.A.Arun Ramnath, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and she 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. Hence, he prays for grant of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner and the defacto complainant are having land dispute and a suit is pending against the petitioner. However, in view of the unlawful trespass made by the petitioner and other accused persons, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report as well as the statement of the complainant.

7. It appears that the petitioner and the defacto complainant have some property dispute. It is stated that, in this regard, a suit is pending in O.S.No.265 of 2023 before the learned Principal District Judge, Thajavur. Admittedly, no one sustained injury in this case. Considering the nature of dispute between the petitioner and the defacto complainant, this Court is of the opinion that the custodial interrogation of the petitioner is not required for the investigation agency. Hence, 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 bail in the event of her arrest or in the



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event of her surrender before the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District, 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) 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.II, Kumbakonam, Thanjavur District;

(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 make herself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;



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(vii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate No.II, Kumbakonam, Thanjavur District;

(viii) Both parties are directed to adhere the order to be passed by the Civil Court.

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

(x) On breach of any of the aforementioned conditions, concerned 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 them 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/-
01/04/2025

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

MBI



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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II
KUMBAKONAM, THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
KUMBAKONAM TALUK POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5945 of 2025
Date :01/04/2025

SS/SAR- /30/04/2025/ 6P/5C

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