



CRL OP(MD). No.6090 of 2025

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

Date : 03/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Karthik Selvam
2. Pavithra

... Petitioners/ A1 & A2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kallikudi Police Station,
Madurai District.
Crime No.61 of 2025.

... Respondent/Complainant

For Petitioners : Mr. K.C. Ramalingam
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.61 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 petitioners on



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01.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS),
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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), 118(1) and 351 (3) of BNS, 2023 in Crime No.61 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 26.03.2025 at about 3.00 pm., due to wordy quarrel, the petitioners herein have attacked the defacto complainant with woodenlog and thereby, caused injuries. Hence, the case.

4. . Mr.K.C.Ramalingam, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution, and their names 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are 19 previous case pending against the 1st petitioner and that there are no previous cases pending against the 2nd petitioner. 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



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petitioners, they may abscond and tamper the witnesses. Hence, he prays to
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dismiss this Criminal Original Petition.

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

7. Since the 1st petitioner is having 19 previous cases, out of which 17 cases registered under Prohibition Act and 2 cases are registered under COPTA Act and IPC, this Court is of the view that if the 1st petitioner is released on bail, he may abscond and commit the similar type of offence and may cause threat to the witness and hence, this Court is not inclined to grant pre-arrest bail to the 1st petitioner and accordingly, criminal Original Petition is dismissed as against the 1st petitioner.

8. Considering the facts and circumstances of the case and the nature of the offence alleged against the 2nd petitioner, and also considering the fact that the 2nd petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and taking note of the fact that the 2nd petitioner has no previous case and that she is a woman and also with a view to give an opportunity to the 2nd petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the 2nd petitioner. Accordingly, pre-arrest bail is granted to the 2nd petitioner subject to the following conditions:

(i) The 2nd petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate,



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Thirumangalam, Madurai District, within a period of 15 days from the date on
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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 said Magistrate.

(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.

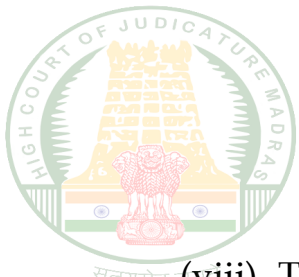
(iii) The 2nd petitioner shall appear and sign before the respondent-Police
daily at 10.00 am until further orders.

(iv) The 2nd petitioner shall make herself available for interrogation by a police
officer as and when required.

(v) The 2nd 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 her from disclosing such facts to the Court or to any police officer.

vi) The 2nd petitioner shall not directly or indirectly cause any threat to the
defacto complainant and tamper with evidence.

(vii) The 2nd petitioner shall not leave India without the previous permission of
the Court.



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(viii) The 2nd petitioner shall furnish their residential address and mobile number to the concerned Magistrate.

(ix) The 2nd petitioner shall not directly or in-directly contact the defacto complainant or his family members. Further, The 2nd petitioner shall not enter into the house of the defacto complainant or his work place.

(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 2nd 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].

9. Accordingly, this Criminal Original Petition is allowed qua 2nd respondent subject to the conditions stated supra and dismissed qua 1st respondent.

sd/-
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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,
THIRUMANGALAM, MADURAI DISTRICT.



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2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
KALLIKUDI POLICE STATION, MADURAI DISTRICT.

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

+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-3826[I] dated 03/04/2025)

ORDER

IN

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Date :03/04/2025

NBF/SAR /30.04.2025 6P/6C

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