

CRL.OP(MD). Nos.6097 and 6433 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). Nos.6097 and 6433 of 2025

1.Arumugam

2.M.Sudalaikannan

3.Vanumamalai

4.Maharaja

5.Sundarapandi

6.Maharajan

... Petitioners / Accused
Rank Not Known
in Crl.OP(MD).No.6097 of 2025

Arulnambi

... Petitioner / Accused
Rank Not Known
in Crl.OP(MD).No.6433 of 2025

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Eruvadi Police Station,
Tirunelveli District.
(Crime No.99 of 2025)

... Respondent / Complainant
in both cases

COMMON PRAYER :- The Criminal Original Petitions filed under Section 482 of



CRL.OP(MD). Nos.6097 and 6433 of 2025

the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.99 of 2025 on the file of the respondent-police.

For Petitioners : Mr.C.Susikumar,
(in both cases) Advocate
For Respondent : Mr.K.Sanjai Gandhi,
(in both cases) Government Advocate
(Criminal Side)

COMMON ORDER : The Court made the following order :-

These Criminal Original Petitions have been filed by the petitioners on 01.04.2025 and 03.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners in both cases apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 329(4), 296(b), 115(2), 87, 74, 351(3) of BNS, 2023, read with Section 49 of BNS and Section 4 of Tamilnadu Prohibition of Woman Harassment Act, 2002, in Crime No.99 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant has four daughters. His second daughter, who aged about 24 years, has completed her M.Com. and is working in a private company at Kallikulam. Two months prior to the occurrence, the first accused had approached his second daughter, proposing marriage with his brother. Since the proposal was refused, on 16.03.2025, at about

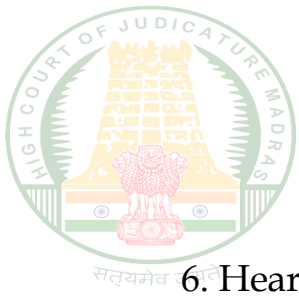


CRL.OP(MD). Nos.6097 and 6433 of 2025

9:30 a.m., all the accused persons, including the petitioners, kidnapped his daughter in a car. Upon witnessing the incident, the defacto complainant and his family members attempted to rescue her. However, the accused persons assaulted them, issued serious threats to their lives, and proceeded to kidnap her. Hence, the complaint.

4. Mr.C.Susikumar, 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 that a false case has been foisted against the petitioners. 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 and the defacto complainant are relatives. He further submits that the accused persons including the petitioners kidnapped the daughter of the defacto complainant. He further submits that there are no previous cases against the petitioners. He further contends that if the petitioners are released on pre-arrest bail, they will again cause threat to the defacto complainant and his family members. He therefore prays to dismiss this Criminal Original Petition.



CRL.OP(MD). Nos.6097 and 6433 of 2025

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

WEB COPY

7. Considering the nature of the offence allegedly committed by the petitioners and the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also taking note of the fact that the petitioners and the defacto complainant are relatives, this Court is of the opinion that custodial interrogation of the petitioners in this case is not necessary for the investigation agency. Further taking note of the fact that now, the girl is secured and she is under the care and custody of the parents and there are no previous cases against the petitioners 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, Nanguneri, 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, Nanguneri.

(ii) The sureties shall affix their photographs and left thumb impression in the



CRL.OP(MD). Nos.6097 and 6433 of 2025

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 weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

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

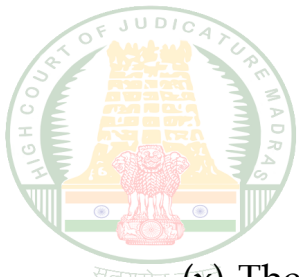
(v) The petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

(vii) The petitioners shall not enter into the defacto complainant's house or his work place.

(viii) The petitioners shall also not try to contact the defacto complainant and his family members either directly or through any electronic mode.

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



CRL.OP(MD). Nos.6097 and 6433 of 2025

(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

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

pal

To

1.The Judicial Magistrate,
Nanguneri.

2.Do Through
The Chief Judicial Magistrate,
Tirunelveli.



CRL.OP(MD). Nos.6097 and 6433 of 2025

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

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

+2 CC to M/s.C.SUSIKUMAR, Advocate (SR-4315[I], 4317[I] dated 16/04/2025)

Common order made in
CRL.OP(MD). Nos.6097 and 6433 of 2025
09.04.2025

BV (07/05/2025) 7P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.