



CRL OP(MD). No.6194 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6194 of 2025

1. Shanthi,

2. Isaivani @ Vani,

3. Sankareswari,

... Petitioners/ Accused No.3 to 5

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Moolakaraipatty Police Station,
Tirunelveli.
In Crime No.91/2025.

... Respondent/ Complainant

For Petitioner : Mr.P.Ganapathi Subramanian
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :-

For Anticipatory Bail in Crime No.91/2025 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 02.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/A3 to A5 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 191(3), 332(b), 296(b), 115 (2), 118(2), 109(1), 351(3) and 49 of BNS, 2023 and Section 3 of TNPPDL Act, 1992, in Crime No.91 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a civil dispute pending between the parties relating to the partition of family properties. On 13.03.2025, at about 04.00 p.m., the defacto complainant's son namely, Subbiahdass/A2 lodged a complaint as if his half blood brother, namely, Iyyamperumal and his son Subash damaged the CCTV camera in his house, due to which, there was wordy quarrel



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between A2 and his brother Selvakumar that Due to the instigation of his brother Selvakumar and defacto complainant, the said Iyyamperumal damaged the CCTV Camera. On 14.03.2025 at about 01.30 hours, A2 along with other accused persons trespassed into the defacto complainant's house, attacked the defacto complainant and her daughter-in-law with wooden stick, iron rod and Aruval. Thereafter, they abused the defacto complainant in filthy language and threatened him with dire consequences and damaged the CCTV camera. Hence, the case.

4. Mr.P.Ganapathi Subramanian, the learned counsel for the petitioners, submits that already there is a civil dispute between the petitioners and the defacto complainant. He further submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that there are totally five victims in this case and all are discharged from the hospital. 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.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that due to civil dispute



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between the petitioners and the defacto complainant, the petitioners and others attacked the defacto complainant and her daughter -in-law and other family members and they sustained injury. He further submits that there is no previous case pending against the petitioners. He further submits that totally five victims in this case and all are discharged from the Hospital. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. He further submits that this is a case and counter case pending investigation in Crime No.90 of 2025 on the file of the respondent-Police. Therefore, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the First Information Report and other records.

7. Considering the facts and circumstances of the case, and the nature of the offence alleged against the petitioners, and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and taking note of the fact that this is a case and counter case pending investigation in Crime No.90 of 2025 on the file of the respondent-Police and all the victims are discharged from the hospital, and with a



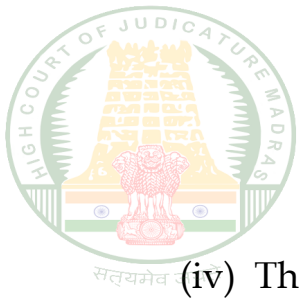
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view to give one more opportunity to the petitioners to reform themselves, this
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Court is inclined to grant pre-arrest bail to the petitioners subject to the following conditions:

(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, Nangunari, 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Nangunari,;

(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, Nangunari, 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 10.30 a.m., until further orders;



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(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 not, directly or indirectly cause threat to the defacto complainant and the witnesses and shall not tamper with 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 learned Judicial Magistrate, Nangunari,, and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Nangunari, or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the



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aforementioned conditions are imposed by him as laid down by the Hon'ble
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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 (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG

TO

1.The learned Judicial Magistrate,
Nangunari.

2 THE CHIEF JUDICIAL MAGISTRATE
NANGUNERI,
TIRUNELVELI.

3.The Inspector of Police,
Moolakaraipatty Police Station,
Tirunelveli.

<https://www.mhc.tn.gov.in/judis>



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

ORDER
IN
CRL OP(MD) No.6194 of 2025
Date :09/04/2025

VN/05.05 .2025 8P/5C

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