

CRL OP(MD). No.6247 of 2025

WEB COPY

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

Date : 04/04/2025

PRESENT
THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6247 of 2025

1. Pethanan

2. Ayyammal,

3. Pethumani,

4. Ramar,

(*)5.Vembadiyan @ Vempadikaruppan

6. Meenakshi,

7. Karthick,

8. Latha,

(*)9. Tamil @ Thirutamildevanayagam

.... Petitioners/ Accused Nos.1 to 6
and 9 to 11

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Sedapatti Police Station,
Madurai District.
(Crime No 36 of 2025).

... Respondent/Complainant



CRL OP(MD). No.6247 of 2025

For Petitioner : Mr.K. Sheenivasan,
WEB COPY 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. 36 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 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 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 191(3), 329(4), 296(4), 115(2), 118(1) and 351(2) of BNS, 2023, and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.36 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that there was a dispute over the use of water from the Well. Due to which, on 22.03.2025 at about 09.20 p.m., the petitioners, along with other accused persons entered into the house of the defacto complainant and also attacked her and her family members with wooden stick. Thereafter, they



CRL OP(MD). No.6247 of 2025

abused the defacto complainant in filthy language and threatened her with dire consequences. Hence, the case.

WEB COPY

4. Mr.K.Sheenivasan, 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 they have been falsely implicated in this case. He further submits that there are totally eleven accused persons in this case and the petitioners have been arrayed as Accused Nos.1 to 6 and 9 to 11. 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 due to previous dispute between the petitioners and the defacto complainant, the petitioners attacked the defacto complainant and the defacto complainant sustained simple injury. He further submits that the defacto complainant was admitted in the hospital on 22.03.2025 and discharged on 30.03.2025. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case, and the nature of the

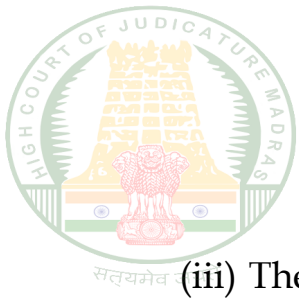


CRL OP(MD). No.6247 of 2025

offence^a alleged against the petitioners, and also considering the fact that the
WEB COPY
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 the petitioners
and the defacto complainant are close relatives, further the defacto complainant has
been discharged from the hospital and with a view to give one more opportunity to
the petitioners to reform themselves, this 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, Peraiyur,
Madurai 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) 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, Peraiyur,
Madurai 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, Peraiyur, Madurai District, shall
obtain a copy of any one of identity proofs to ensure their identity;



CRL OP(MD). No.6247 of 2025

WEB COPY

(iii) The petitioners shall appear and sign before the respondent-Police daily at 10.30 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 them from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not enter into residence of the defacto complainant or her work place until further orders;

(vii) The petitioner shall not contact with the defacto complainant or her family members, through any electronic devices or through his men or agents or directly; and

(viii) The petitioners shall not leave India without the previous permission of the Court;

(ix) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Peraiyur, Madurai District;; and

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



CRL OP(MD). No.6247 of 2025

aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme
WEB COPY
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/-
04/04/2025

**(*)AMENDED AS PER ORDER OF THE
COURT DATED 09.05.2025 IN CRL MP
(MD)NO.6489 OF 2025 IN CRL OP(MD)
NO.6247 OF 2025**

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG
TO

**TO BE SUBSTITUTED WITH THE ORDER DATED 04/04/2025 ALREADY
DESPATCHED**

1 THE JUDICIAL MAGISTRATE
PERAIYUR, MADURAI DISTRICT.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

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



CRL OP(MD). No.6247 of 2025

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

+1 CC to M/s.K.SHEENIVASAN, Advocate (SR-5505 [I] dated 13/05/2025)

ORDER
IN
CRL OP(MD) No.6247 of 2025
Date :04/04/2025

HPS/SAR / 28.04.2025/7P/6C

RK /15.05.2025 7P/6C

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