



CRL OP(MD). No.6427 of 2025

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

Date : 23/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Monaeshbabu @ Monaesh

... Petitioner/Sole Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
All Women Police Station, Thirumangalam,
Madurai District.
Crime No.12/2025.

... Respondent/Complainant

For Petitioner : Mr. M.Suresh
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.12 of 2025 on the file of the Respondent
Police

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



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ORDER: The Court made the following order :-

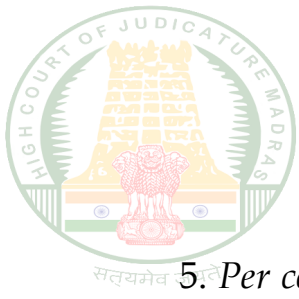
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This Criminal Original Petition has been filed by the petitioner on 03.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / sole accused apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 351 of BNS, 2023 and 65 and 66 of Information Technology Act, 2000 in Crime No.12 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 03.11.2024 the defacto complainant has given her mobile phone to the petitioner for repairing and after repairing, on the next day he returned the mobile phone to her. Thereafter, he harassed the defacto complainant sending messages and abused her in filthy language and also misbehaved with her. Hence, the case.

4. Mr.M. Suresh, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi the learned Government Advocate (Criminal Side) appearing for the respondent-police, on instructions, submits that there is one previous case pending against the petitioner relating to matrimonial dispute. He further submits that the petitioner has voluntarily surrendered the Mobile phone to the Investigating Agency and the investigation in this case has already been completed and hence, custodial interrogation of the petitioner may not be required in this case.

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

7. Considering the facts and circumstances of the case and also considering the fact the investigation of the case has already been completed, this Court is of the view that the custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the cumulative circumstances of the case and with a view to give one more opportunity to the petitioner to reform himself, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, 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 learned Judicial Magistrate, Thirumangalam, 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, Thirumangalam, Madurai District shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent - Police weekly twice ie., on every Sunday and Monday at 10.00 am until further orders.

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

(v) 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.

(vi) The petitioner shall not leave India without the prior permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and the witnesses and shall also not tamper with the evidence.



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Further, the petitioner shall not enter into the defacto complainant's house or her work place and shall also not try to contact the defacto complainant either directly or through any electronic mode;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thirumangalam, Madurai District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumangalam, Madurai District is entitled to pass appropriate orders against the 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]*.

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

Sd/-

23/04/2025

// True Copy //

/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.

TRP



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TO मेव जयते

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1. The Judicial Magistrate,
Thirumangalam, Madurai District.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
All Women Police Station, Thirumangalam,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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Date : 23/04/2025

KVL/26.05.2025 6P/5C

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