

CRL.OP(MD). No.6691 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Kirubakaran @ Kirupakaran

2.Megala

3.Jeya @ Jaya

4.Hari @ Hariprasath

5.Krishnamoorthy

6.Santhammal

... Petitioners / Accused Nos.1 to 6

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thirunagar Police Station,
Madurai District.
(Crime No.208 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.208 of 2025 on the file of the respondent-police.

For Petitioners : Mr.K.Navaneetharaja,
Advocate



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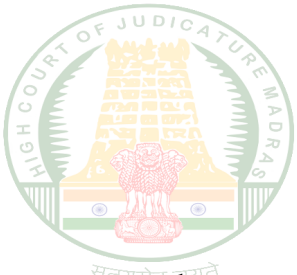
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 07.04.2025 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 189(2), 296(b), 115(2), 303(2) of BNS, 2023 and Section 4 of Tamilnadu Prohibition of the Harassment of Women Act, 2002, in Crime No.208 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant lodged a complaint before the respondent-police on 30.03.2025. In the complaint, she stated that on 30.03.2025, her husband left her alone at Chennai. When she questioned him, he responded that his mother and sister did not like her. He then assaulted her, asked her to return to her parental home, and demanded divorce. After this, her husband left for Madurai. Around 6:00 p.m. on the same day, when the defacto



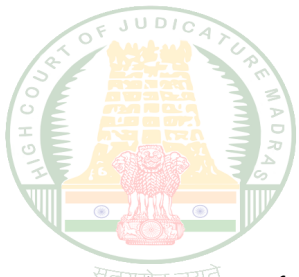
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complainant went to her husband's house with her child, her mother-in-law locked herself inside the house. At that time, some relatives joined together and assaulted the defacto complainant, using filthy language against her. Further, they snatched away her handbag, two mobile phones, cash amounting to Rs.10,800/-, a five-sovereign necklace, and a two-sovereign chain belonging to her. When she asked for her belongings to be returned, they refused. Additionally, they took custody of her child and refused to let the child leave with the defacto complainant. Hence, the case.

4. Mr.K.Navaneetharaja, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution and 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 there are totally six accused persons in this case who are the petitioners herein and they have been arrayed as A1



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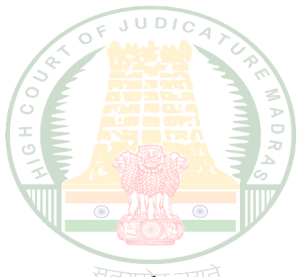
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to A6. He further submits that there are no previous cases against the petitioners. He further submits that the injured was admitted in the hospital on 30.03.2025 and discharged on 06.04.2025. He further submits that this is a case and counter case. He further contends that if the petitioners are released on pre-arrest bail, they will again cause threat to the defacto complainant. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and taking note of the fact that the injured was discharged from hospital 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 No.VI, Madurai, within a period of 15 days from the date on which the order copy is made



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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 No.VI, Madurai.

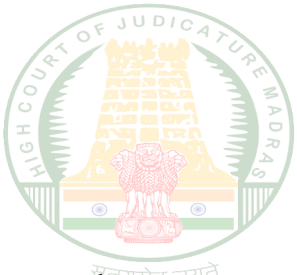
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 09.00 a.m. until further orders.

(iv) The petitioners shall appear before the respondent-police as and when required for interrogation.

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

(vi) The petitioners shall not, directly or indirectly, make any inducement,



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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.

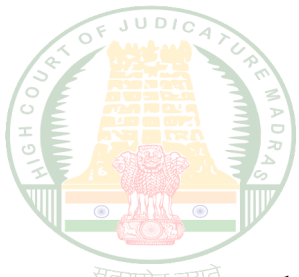
(vii) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, his family members and witnesses and shall not tamper the evidence.

(viii) The petitioners shall not enter into the defacto complainant's house or her working place and shall also not try to contact the defacto complainant.

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

(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



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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/-

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

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To

1.The Judicial Magistrate No.VI, Madurai

2 Do through The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
Thirunagar Police Station, Madurai District.

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

ORDER
IN

CRL OP(MD) No.6691 of 2025
Date :17/04/2025

RK(13/05/2025) 7P / 5C

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