



CRL OP(MD). No.6749 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6749 of 2025

1. Kamala Preethi

2. Boomathi

... Petitioners/ Accused Nos.2 & 3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
(Crime No.260 of 2023).

... Respondent/Complainant

For Petitioners : Mr. P.F. Ferlin Castro,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.260 of 2023 on the file of the respondent-Police.



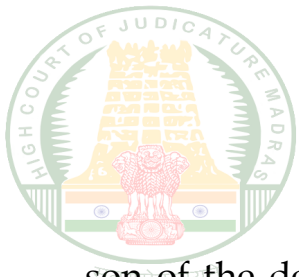
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WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 08.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/A2 & A3 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 147, 148, 294(b), 341, 366 and 506 (ii) of Indian Penal Code, 1860, in Crime No.260 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the wife of A1 namely Bibin Priyan. The marriage was solemnized between them on 23.05.2016. Out of their wedlock, a male child was born to them namely, Athvik Vriyan, aged about three years. Due to a matrimonial dispute between the first accused and the defacto complainant, they are living separately. Under this circumstances, on 27.06.2023, at about 09.00 p.m, when the child was coming in the vehicle bearing Registration No.TN 74 F 7401 arranged by the school to pick up and drop the child, the petitioners and other accused persons waylaid the vehicle and kidnapped the



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son of the defacto complainant by a Maruthi 800 bearing registration NoTN 59 M 6604. While questioning them by the driver of the vehicle, they abused the driver in filthy language and also criminally intimidated him. Hence, the present case.

4. Mr.P.F. Ferlin Castro, the learned counsel for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submits that since the petitioners are in-laws of the defacto complainant, they have been falsely implicated in this case. 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.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners herein and other accused persons kidnapped the son of the defacto complainant. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Therefore, he prays to dismiss this Criminal Original Petition.

6.



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6. Heard on both sides and perused the records.

7. Considering the facts and circumstances of the case, and also considering the nature of the offences allegedly committed by the petitioners as well as the matrimonial dispute between the defacto complainant and the first accused, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary for the investigating agency. Further, the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of 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.1, Padmanabhapuram, Kanyakumari District, within a period of 15 days from 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 No.1, Padmanabhapuram, Kanyakumari District;



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(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 No.1, Padmanabhapuram, Kanyakumari District, 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 (ie., on Monday and Friday) at 10.00 a.m., until further orders;

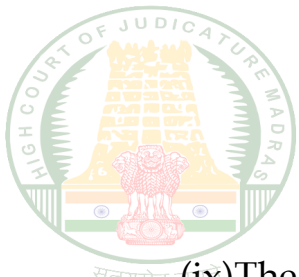
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(v) The petitioners shall not, directly or indirectly cause threat to the defacto complainant and the witnesses and shall not tamper the evidence;

(vi) 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;

(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 No.1, Padmanabhapuram, Kanyakumari District,;



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(ix) The petitioners shall not enter into the defacto complainant's house and work place as well as the school of the child; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.1, Padmanabhapuram, Kanyakumari 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 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/-
15/04/2025

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

vsg



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TO मेव जयते

1.The learned Judicial Magistrate No.1,
Padmanabhapuram, Kanyakumari District.

2. THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT @ NAGERCOIL.

3.The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

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

+1 CC to M/s.P.F.FERLIN CASTRO, Advocate (SR-4372[I] dated
17/04/2025)

ORDER
IN
CRL OP(MD) No.6749 of 2025
Date :15/04/2025

VN/05.05 .2025 7P/6C

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