



CRL.OP(MD).No.6881 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD).No.6881 of 2025

Gopalakrishnan

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
(Crime No.2 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
petitioner in Crime No.2 of 2025 on the file of the respondent police.

For Petitioner : Mr.Subash Babu,
Senior Advocate
for Mr.C.Susi Kumar
for M/s.Subash Law Office

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

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 09.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 7 read with Sections 8, 16 and 17 of the Protection of Children from Sexual Offences Act, 2012, and Sections 294(b), 323 and 506(i) of IPC, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that A2 and the defacto complainant are husband and wife respectively. They were blessed with two female children. A1 is the father of A2. The defacto complainant has stated that she has been facing continuous harassment at the hands of A2. Furthermore, in 2019, the petitioner / A1, has removed her elder daughter's dress and kissed her with evil intent. As a result, her children became afraid to go to A1's house. On 02.10.2023, A1 has misbehaved with her younger daughter by touching her private parts. When she informed A2 about the incident, he, in turn, threatened her not to disclose it to anyone and issued a serious life threat. Subsequently, A2 did not allow their children to attend school. Even thereafter, the defacto complainant continued to face harassment at the hands of A2. Based on the above allegations, an FIR was registered. Hence, the case.



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4. Mr.Subash Babu, the learned senior counsel appearing for Mr.C.Susikumar, 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 there was a matrimonial dispute between A2 and the defacto complainant and that in order to grab the house property of A2 worth about Rs.50,00,000/-, the defacto complainant has lodged the false complaint. He however submits that the petitioner / A1 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a property dispute as well as matrimonial dispute between the parties. He further submits that the petitioner and his family continuously harassed the defacto complainant and her daughters. Therefore, he contends that, if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and the victim girls. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioner, this Court is of



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the opinion that custodial interrogation of the petitioner is not necessary in this case.

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The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the above and also considering the facts and circumstances of the case and also taking note of the fact that there are no previous cases against the petitioner and with a view to give an 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 Judge, Fast Track Mahila Court, Ramanathapuram, 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judge, Fast Track Mahila Court, Ramanathapuram.

(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 Judge, Fast Track Mahila Court, Ramanathapuram shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the learned Judge, Fast Track



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Mahila Court, Ramanathapuram, weekly once i.e., on every Monday at 10.30 a.m.

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until further orders. Further, the petitioner shall appear before the trial Court on all hearing dates.

(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 also not, directly or indirectly, cause any threat to the defacto complainant, the victim girls and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judge, Fast Track Mahila Court, Ramanathapuram.

(ix) On breach of any of the aforementioned conditions, the learned Judge, Fast Track Mahila Court, Ramanathapuram or Trial Court, as the case may be, 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



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Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
25/04/2025

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/05/2025

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

MBI

TO

1.THE JUDGE,

FAST TRACK MAHILA COURT,
RAMANATHAPURAM.

2.THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION,
KEELAKARAI, RAMANATHAPURAM DISTRICT.

3.THE ADDITIONAL PUBLIC PROSECUTOR,

MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.M/S.SUBASH LAW OFFICE, Advocate (SR-4918[I] dated
28/04/2025)

ORDER

IN

CRL OP(MD) No.6881 of 2025

Date :25/04/2025

HPS/21.05.2025 /6P/5C

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