

CRL.OP(MD). No.6889 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 23.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Subbammal

2.Saravanan

3.Gomathi

4.Sakthi @ Vijayalakshmi

... Petitioners / Accused Nos.2 to 5

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
AWPS-Valliyoor Police Station,
Tirunelveli District.
(Crime No.26 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.26 of 2025 on the file of the respondent-police.

For Petitioners : Mr.R.L.Dhilipan Pandian,
Advocate

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



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners 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 petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 498(A) of IPC, in Crime No.26 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant and A1 were married on 09.03.2022. The petitioners are family members of A1. After the marriage, A1, the husband of the defacto complainant, went abroad. In the meantime, the petitioners demanded additional dowry, harassed the defacto complainant, threatened her with dire consequences, and abused her with filthy language. Hence, the defacto complainant preferred the present complaint before the respondent-police. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, 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 a false case has been foisted against the petitioners. He however submits that the petitioners are ready to abide any conditions that may be imposed by this Court. Accordingly, he prays to grant an



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order of pre-arrest bail to the petitioners.

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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there was a family dispute between the parties. He further submits that the petitioners often started wordy quarrels with the defacto complainant. Further he submits that there are no previous cases against the petitioners. However, he, contends that if pre-arrest bail is granted to the petitioners, they will again cause threat to the defacto complainant and her family members. 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 and deep roots in the society. 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 there are no previous cases against the petitioners 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,



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Radhapuram, Tirunelveli 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, Radhapuram, Tirunelveli District.

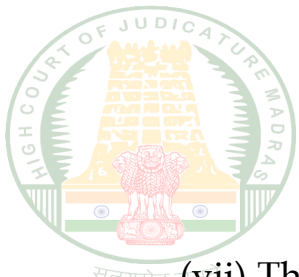
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police weekly twice i.e., on every Sunday and Monday 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, 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 petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant, her family members and witnesses and shall not tamper the evidence.



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work place.

(vii) The petitioners shall not enter into the defacto complainant's house or her

(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 concerned Magistrate.

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Judge, 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 them 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 //

/05/2025

Sub Assistant Registrar
(CS-I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai.

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To मेव जयते

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1.The Judicial Magistrate,
Radhapuram,
Tirunelveli District.

2.Do Through
The Chief Judicial Magistrate,
Tirunelveli.

3.The Inspector of Police,
AWPS-Valliyoor Police Station,
Tirunelveli District.

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

+1 CC to M/s.L.SIVA, Advocate (SR-4671[I] dated 24/04/2025)

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23.04.2025

KVL - (27.05.2025) 6P/ 6C

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