



CRL.OP(MD). No.6876 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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Karthy @ Karthick

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
All Women Police Station,
Valliyoor,
Tirunelveli District.
(Crime No.46 of 2024)

... 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.46 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.Arun Ramnath,
Advocate

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 petitioner on 09.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 85 of BNS, 2023, in Crime No.46 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner married the defacto complainant in the year 2015. However it has not been consummated to date. Further, the petitioner is having relationship outside the marriage with another woman, thereby cheating the defacto complainant. Hence, the case.

4. Mr.A.Arun Ramnath, 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. He further submits that there were differences of opinion between the petitioner and the defacto complainant, and both were unwilling to live together. Consequently, both parties have filed HMOP petitions for divorce, which are pending before the learned Subordinate Judge, Valliyoor. He further submits that no such harassment, as alleged in the FIR, was caused by the petitioner and that he has not been involved in any of the offences alleged by the prosecution. Additionally, the learned counsel submits that the petitioner hails from a respectable family and has no previous criminal antecedents. He however submits that the petitioner is ready to abide any conditions to be imposed by this Court.



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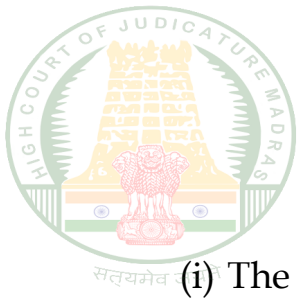
Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that petitioner is having an illicit relationship with another woman, thereby cheating the defacto complainant. He further submits that there are no previous cases against the petitioner. He however submits that the investigation of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of the offence allegedly committed by the petitioner, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Further the petitioner has permanent residence and there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:



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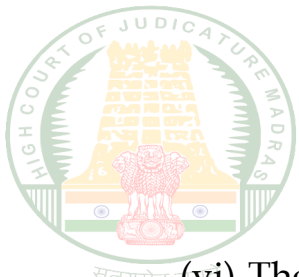
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Radhapuram, Tirunelveli District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner shall appear and sign before the respondent-police weekly once i.e., on every Sunday at 10.00 a.m. 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.



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(vi) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper with 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 concerned Magistrate.

(ix) 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 petitioner 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,
All Women Police Station,
Valliyoor,
Tirunelveli District.

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

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23.04.2025

KVL - (27.05.2025) 6P/ 5C

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