



CRL.OP(MD). No.7211 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.7211 of 2025

1.Suresh Babu

2.N.Thangarasu

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.
(Crime No.51 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.51 of 2025 on the file of the respondent-police.

For Petitioners : Mr.R.Anand,
Advocate

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

For Intervener : Mr.A.S.Vaigunth,
Advocate



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 17.04.2025 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 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.51 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners herein had a prior motive against the defacto complainant arising out of a property dispute. Further the petitioners, along with his wife and son / 2nd petitioner herein conspired to tarnish the reputation of the defacto complainant and his wife. They pasted posters in and around Paramakudi Town, displaying photographs of the defacto complainant's wife, which were taken during a picnic at Courtallam. The posters also contained the name of the school where the defacto complainant's wife was employed. Furthermore, photographs of these posters were uploaded on social media platforms such as WhatsApp and Facebook. Upon learning of these acts, the defacto complainant's wife attempted to commit suicide on 18.02.2025 by consuming



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cockroach poison. She was saved only due to the timely intervention of her sister-in-law. Based on these events, the defacto complainant lodged a complaint with the respondent-police, leading to the registration of the present FIR.

4. Mr.R.Anand, 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 further submits that the first petitioner was arrested on 17.04.2025. Additionally, the second petitioner, in order to demonstrate his bona fides, has filed an undertaking affidavit before this Court stating that he will not make any defamatory imputations against the de-facto complainant, his wife, or any of his family members, either in any form or through any electronic or social media platform. 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.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the petitioners have been arrayed as Accused Nos.1 and 2. He further submits that the first petitioner was arrested on 17.04.2025. He further submits that there are no previous cases against the second petitioner. He further contends that if the petitioners are released on bail, they will cause threat to the defacto complainant and his family



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members. Hence, custodial interrogation of the petitioners is necessary in this case.

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Accordingly, he prays to dismiss this Criminal Original Petition.

6. Mr.A.S.Vaigunth, the learned counsel for the intervener, submits that the accused persons have caused severe mental agony to the defacto complainant's family, ultimately driving the his wife to attempt suicide. He further contends that if the petitioners are released on bail, they may pose a threat to the defacto complainant and his family members. Therefore, custodial interrogation of the petitioners is essential in the present case. Accordingly, he prays to dismiss the Criminal Original Petition.

7. This Court has heard the learned counsel on either side and perused the materials available on record.

8. Since the first petitioner was arrested on 17.04.2024, the petition insofar as it pertains to the first petitioner has become infructuous. However, the petition survives as regards the second petitioner.

9. The second petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence allegedly committed by the second petitioner and taking note the affidavit filed by him and also with a view to give an opportunity to the second petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the



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second petitioner. Accordingly, pre-arrest bail is granted to the second petitioner

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subject to the following conditions:

(i) The second 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, Paramakudi, Ramanathapuram 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, Paramakudi, Ramanathapuram 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 second petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Sunday and Saturday at 10.00 a.m. until further orders.

(iv) The second petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The second petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so



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as to dissuade him from disclosing such facts to the Court or to any police officer.

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

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

(viii) The second petitioner shall furnish his residential address and mobile numbers to the concerned Magistrate.

(ix) 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 second petitioner 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].

10. Accordingly, this Criminal Original Petition is dismissed as infructuous insofar as the first petitioner is concerned and is allowed insofar as the second petitioner is concerned subject to the conditions stated supra.

sd/-
28/04/2025

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/06/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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PAL
TO

1. THE JUDICIAL MAGISTRATE,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7211 of 2025
Date :28/04/2025

HPS/03.06.2025 /7P/5C

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