



CRL.OP(MD). No.6890 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6890 of 2025

V.Kannan

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thenkarai Police Station,
Theni District.
(Crime No.562 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.562 of 2024 on the file of the respondent police.

For Petitioner : Mr.V.Pavel,
Advocate

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

ORDER : The Court made the following order :-



CRL.OP(MD). No.6890 of 2025

WEB COPY

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 296(b), 79, 351(2) of BNSS, 2023 and Section 67 of the Information Technology Act, 2000, in Crime No.562 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the occurrence is said to have taken place from 05.12.2024 onwards. It is stated that due to some civil dispute between the petitioner and the defacto complainant, the defacto complainant took possession of the petitioner's phone, as the petitioner had been disturbing the defacto complainant's family in various ways, including by initiating civil litigations and issuing legal notices. Subsequently, several obscene messages were sent from the said phone to the defacto complainant's mobile. Upon being questioned, the second accused is said to have criminally intimidated the defacto complainant. Thereafter, several threatening messages were also sent from the petitioner's phone to the mobile phones of the defacto complainant's relatives. Based on the complaint



CRL.OP(MD). No.6890 of 2025

lodged by the defacto complainant on 21.12.2024, the present case has been filed.

WEB COPY

Hence, the case.

4. Mr.V.Pavel, 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 a false case has been foisted against the petitioner. He however submits that the petitioner is 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 petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A1. He further submits that the accused persons abused the defacto complainant by sending obscene messages through mobile phone, used filthy language, and threatened him with dire consequences. He further submits that the petitioner appeared before the respondent-police and co-operated with the investigation. He further submits that there are no previous cases against the petitioner. He further contends that if pre-arrest bail is granted to the petitioner, he will commit a similar



CRL.OP(MD). No.6890 of 2025

offence in future. However, he prays to dismiss this Criminal Original Petition.

WEB COPY

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

7. The petitioner is alleged to have verbally abused and harassed his own grandson and family members arising out of a family dispute. Custodial interrogation of the petitioner is not required in view of the relationship between the petitioner and the defacto complainant. Further the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding. Considering the same and the nature of the offence allegedly committed by the petitioner, and considering the age of the petitioner 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 Judicial Magistrate, Periyakulam, Theni 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



CRL.OP(MD). No.6890 of 2025

only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten
WEB COPY
Thousand only) to the satisfaction of the learned Judicial Magistrate, Periyakulam,
Theni District.

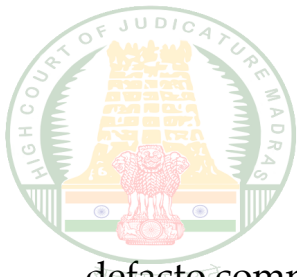
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear before the respondent-police as and when required for the interrogation.

(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



CRL.OP(MD). No.6890 of 2025

defacto complainant and witnesses and shall not tamper the evidence.

WEB COPY

(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 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 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/-
22/04/2025

/ TRUE COPY /

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

PAL



CRL.OP(MD). No.6890 of 2025

WEB COPY
TO

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

+1 CC to M/s.V.PAVEL, Advocate (SR-4703[I] dated 24/04/2025)

ORDER
IN
CRL OP(MD) No.6890 of 2025
Date :22/04/2025

HPS/19.05.2025 /7P/6C

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