



CRL OP(MD). No.7213 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. D.Vijay

2. Linsia Raja Winsy

... Petitioners/ Accused (Rank not known)

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
(In Crime No.125 of 2025).

... Respondent/Complainant

For Petitioners : Mr.C.Mayilvahana Rajendran,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.125 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 17.04.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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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 Sections 296(b), 316(3), 318(4) and 351(3) of BNS, 2023 and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.125 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant purchased the property from one Durai. The allegation against the petitioners is that on 11.03.2025, while the defacto complainant requested the petitioners, who are his son and daughter-in-law to vacate the property, they abused the defacto complainant by using filthy language and threatened him with dire consequences. Hence, the complaint.

4. Mr.C.Mayilvahan Rajendran, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and that they have not committed any offence as alleged by the prosecution, and that they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He further submits that the petitioners undertake before this Court that they will not try to enter into the property covered in the registered sale deed dated 10.12.2024 (Document No.4540 of



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2022) on the file of the Joint Sub Registrar II, Marthandam, Kaniyakumari District.

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

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the petitioners herein refused to vacate the property belonging to the defacto complainant and threatened him with dire consequences. He further submits that if pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case, the nature of the offence alleged against the petitioners, and taking note of the undertaking given by the petitioners and the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and also 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 bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate I, Kuzhithurai, within a period of 15 days from the date on which the order copy is made ready, on



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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 I, Kuzhithurai;

(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 I, Kuzhithurai, shall obtain a copy of any one of identity proofs to ensure their identity;

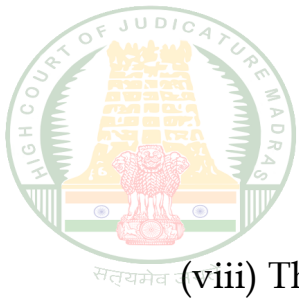
(iii) The petitioners shall appear and sign before the respondent-police weekly once (i.e., on Monday) at 10.30 a.m., until further orders.

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

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



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(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate I, Kuzhithurai.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Kuzhithurai or Trial Court, 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 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/-
29/04/2025

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

TSG

TO

1.The Judicial Magistrate I, Kuzhithurai.

2.Do through the Chief Judicial Magistrate, Kanyakumari at Nagercoil.

3.The Inspector of Police,Kaliyakkavilai Police Station,Kanyakumari District.

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

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-5176[I] dated 30/04/2025)



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ORDER IN
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Date :29/04/2025

PP/23.05.2025 6P/6C

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