



CRL OP(MD). No.7249 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7249 of 2025

1. Dhineswaran

2. Amutha

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
P.C. Patti Police Station,
Theni District.
(In Crime No.113 of 2025).

... Respondent/Complainant

For Petitioners : Mr.P.Senguttuarasan,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.113 of 2025 on the file of the respondent-Police.



CRL OP(MD). No.7249 of 2025

ORDER : The Court made the following order :-

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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/A1 and A2 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections (*)296(b), 115(2), 118(1) and 351(3) of BNS and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act in Crime No.113 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 10.04.2025, when the Pallapatti Temple Festival was celebrated, there was a wordy quarrel between the petitioners and the defacto complainant. Subsequently, the petitioners abused the defacto complainant in filthy language, assaulted him with sickle, and thereby, caused injuries and threatened with dire consequences as well. Hence, the case.

4. Mr.P.Senguttuarasan, the learned counsel for the petitioners, submits that the first petitioner was arrested on 18.04.2025.



CRL OP(MD). No.7249 of 2025

WEB COPY

5. In view of the above submission made by the learned counsel appearing for the petitioners that the first petitioner was arrested on 18.04.2025, this criminal original petition is dismissed as infructuous in respect of the first petitioner.

6. Mr.P.Senguttuarasan, learned counsel appearing for the second petitioner submits that the second petitioner has not committed any offence as alleged by the prosecution and that she has been falsely implicated in this case. He further submits that the second petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the specific overt act against the second petitioner is that she took the sickle and handed over the same to A1 and there is no other allegation against the second petitioner. Therefore, he prays for granting pre-arrest bail to the petitioner.

7. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police submits that during the Pallapatti Temple Festival, the petitioners and other accused abused the defacto complainant in filthy language and also assaulted him with sickle and caused grievous injuries to the defacto complainant. He further submits that if pre-arrest bail is granted to the



CRL OP(MD). No.7249 of 2025

second petitioner, he may cause threat to the defacto complainant and the witnesses.

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He further submits that the injured was admitted in the hospital on 10.04.2025 and discharged on 11.04.2025. However, he prays to dismiss this Criminal Original Petition.

8. Heard on both sides. This Court has perused the case file.

9. Considering the facts and circumstances of the case, the specific overt act attributed against the second petitioner viz., providing sickle to A1, and also considering the fact that the second petitioner has permanent residence and deep roots in the society making the probability of absconding less, and taking note of the fact that injured is discharged from the hospital, and also with a view to give one more opportunity to the second petitioner to reform her, this Court is inclined to grant pre-arrest bail to the second petitioner subject to the following conditions:

(i) The second petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Theni, 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



CRL OP(MD). No.7249 of 2025

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

(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, Theni, 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 daily at 10.30 a.m., until further orders;

(iv) The second petitioner shall make herself 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 as to dissuade them from disclosing such facts to the Court or to any police officer;

(vi) The second petitioner shall not leave India without the previous permission of the Court;

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

(viii) The second petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate, Theni,;



CRL OP(MD). No.7249 of 2025

WEB COPY

(ix) The second petitioner should not enter into the house of the defacto complainant, or their work place without getting prior permission from the concerned Judicial Magistrate; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Theni, 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 / her 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 allowed in respect of second petitioner subject to the conditions stated supra.

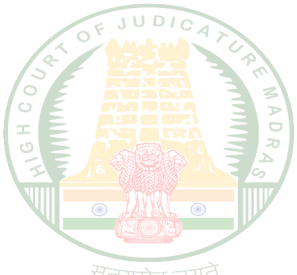
sd/-
22/04/2025

(*)Amended as per the order of this court dated 11.06.2025 made in CRL MP(MD)No.7086 of 2025 in CRL OP(MD)No.7249 of 2025

Further time is extended by two weeks from the date of receipt of a copy of this order
/ TRUE COPY /

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

VSG



CRL OP(MD). No.7249 of 2025

To be substituted to the order which is already despatched on 30.05.2025

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TO

1 THE JUDICIAL MAGISTRATE
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THENI.

3 THE INSPECTOR OF POLICE,
P.C. PATTI POLICE STATION,
THENI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.SENGUTTARASAN, Advocate (SR-6208[I] dated 12/06/2025)

ORDER

IN

CRL OP(MD) No.7249 of 2025

Date :22/04/2025

SS/SAR- /27/05/2025/ 7P/6C

MK/SAR- /20/06/2025/ 7P/6C

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