



CRL OP(MD). No.7598 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Anthony Francis @ Gowtham

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
All Women Police Station,
Thiruchendur, Thoothukudi.
Crime No.17 of 2024

... Respondent/Complainant

For Petitioner : Mr.D.S.Haroon Rasheed

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

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

PRAYER :-

For Anticipatory Bail in Crime No.17 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 23.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



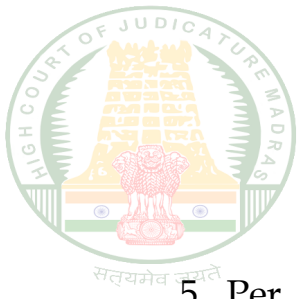
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2. The petitioner apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 498(A), 494, 294(b), 506(ii) and 109 of Indian Penal Code, 1860 in Crime No.17 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife and are blessed with two children. While so, the petitioner had developed illegal intimacy with A2 and later married her. When the defacto complainant questioned the same, the petitioner abused her in filthy language and threatened her with dire consequences. Hence, the case.

4. Mr.D.S.Haroon Rasheed, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against him. He further submits that the petitioner and the defacto complainant are blessed with one son and one daughter and the son is under the custody of the petitioner and the daughter is under the custody of the defacto complainant. He further submits that the petitioner is voluntarily ready and willing to deposit a sum of Rs.3,00,000/- in the name of his daughter i.e., Jemeera. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the investigation is yet to be completed and if petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner had earlier moved a pre-arrest bail application in Crl.O.P.(MD) No.7818 of 2024 and the same was dismissed by this Court vide order dated 25.06.2024. While so, for the past 10 months, the respondent-Police did not arrest the petitioner, which shows that the custodial interrogation of the petitioner is not necessary for the investigation agency. Further, it is stated that the son is under the custody of the petitioner and the daughter is under the custody of the defacto complainant and the petitioner is ready to deposit Rs.3,00,000/- in the name of his daughter. Considering the cumulative circumstances, 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Tiruchendur, within a period of 30 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



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

(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 identity proof of each surety to ensure their identity;

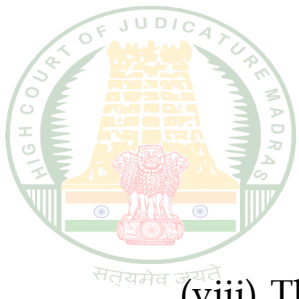
(iii) The petitioner shall make himself available for interrogation by police as and when required;

(iv) 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 them from disclosing such facts to the Court or to any police officer;

(v) The petitioner shall not leave India without prior permission of the Court;

(vi) The petitioner shall deposit a sum of Rs.3,00,000/- in any interest bearing Fixed Deposit Scheme, in the name of his daughter i.e., Jemeera (the petitioner to be guardian), in any Nationalized Bank, within a period of 30 days from the date on which the order copy is made ready and the Fixed Deposit Receipt shall be filed before the learned Judicial Magistrate, Tiruchendur at the time of furnishing sureties.

(vii) The petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Sunday and Monday at 10.00 a.m. until further orders;



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(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Tiruchendur;

(ix) The petitioner shall not enter into the defacto complainant's house or workplace;

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

(xi) On breach of any of the aforementioned conditions, concerned 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 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/-
25/04/2025

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

MBI



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1 THE JUDICIAL MAGISTRATE
TIRUCHENDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUCHENDUR,
THOOTHKUDI,

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

ORDER
IN

CRL OP(MD) No.7598 of 2025

Date :25/04/2025

SS/SAR- /27/05/2025/ 6P/5C

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