



CRL OP(MD). No.7933 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. (*)Bagavathi Raj,

2. Vellaisamy

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Samayapuram Police Station,
Samayapuram, Trichy.
(Crime No.128 of 2025).

... Respondent/ Complainant

For Petitioner : Mt.B.Karthikeyan,
Advocate.

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.128 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 25.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioners/ A1 & A2 apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 296(b), 115(2) and 85 of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.128 of 2025 on the file of the respondent-police.

3. On 11.04.2025 at around 12.00 pm the defacto complainant was at home with her daughter, son and father. At that time, A1 who is the husband of defacto complainant came to the house and picked a quarrel with defacto complainant and assaulted her. A2 Who is the father in law of defacto complainant, also assaulted her by pulling her hair and kicking in her stomach. Hence the case.

4. Mr.B.Karthikeyan, 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 any conditions to be imposed by this Court. He further submits that the first petitioner is the husband of the defacto complainant and second petitioner is the father-in-law of the defacto complainant. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side)



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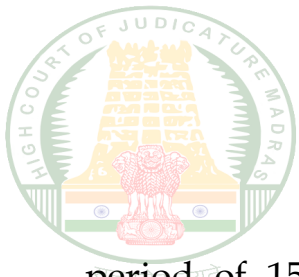
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appearing for the respondent-police, submits that due to the family dispute, the occurrence had taken place. He further submits that due to injuries the defacto complainant was admitted in the hospital on 11.04.2025 and discharged on 13.04.2025. He further submits that there is no previous case pending against the petitioners. However, he prays to dismiss this Criminal Original Petition.

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

7. In view of the nature of the offence allegedly committed by the petitioners, and considering the fact that the first petitioner is the husband of the defacto complainant and second petitioner is the father-in-law of the defacto complainant, this Court is of the view that the custodial interrogation of the petitioners is not necessary for the investigating agency in this case. Considering the same and also considering the fact that the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding, and taking note of the fact that there are no previous cases against the petitioners, 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-III, Trichy, within a



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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-III, Trichy,;

(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-III, Trichy, shall obtain a copy of
any one of identity proofs to ensure their identity;

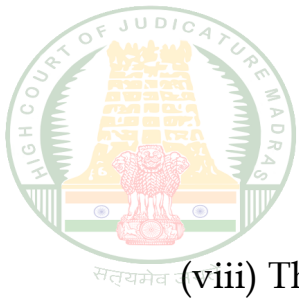
(iii) The petitioners shall appear and sign before the respondent-police daily at
10.00 a.m., until further orders;

(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 cause threat to the defacto
complainant, and the witnesses and shall not tamper the evidence;

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

(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-III, Trichy,;

(ix) The petitioners shall not enter into the defacto complainant's house and work place; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate-III, Trichy, 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

(*)AMENDED AS PER THE ORDER
OF THIS HON'BLE COURT DATED
06/06/2025 IN CRL OP(MD)
No.7933 of 2025

/ TRUE COPY /

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



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VSG

TO

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TO BE SUBSTITUTED WITH THE ORDER DATED 21/05/2025 ALREADY
DESPATCHED.

- 1.The learned Judicial Magistrate-III, Trichy.
- 2.Do through the Chief Judicial Magistrate, Trichy.
- 3.The Inspector of Police, Samayapuram Police Station,Samayapuram,Trichy.
- 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.7933 of 2025
Date :29/04/2025

PP/21.05.2025 6P/5C

NBF/SAR/13.06.2025 6P/5C

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