WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.05.2025

PRESENT

THE HONOURABLE MS. JUSTICE R.POORNIMA

CRL OP(MD). No.9125 of 2025

1. Thangapandian

2. Prasath @ Thavaprasath

3.Premkumar

4.Manoj @ Manoj Kumar

5.Maheswari ...Petitioners/Accused (rank not known)

Vs

The State of Tamilnadu
Rep. by the Inspector of Police,
Gudalur South Police Station,
Theni District.
(Crime No. 67 of 2025). ... Respondent/Complainant

For Petitioners : Mr.A.Karthik

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

https://www.mhc.tn.gov.in/judis

WEB COPY

PRAYER :-

For Anticipatory Bail in Crime No. 67 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused (rank not known), who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 191(2), 191(3), 296(b), 115(2), 118(1), 351(3) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.67 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to family dispute, the petitioners attacked the defacto complainant viz., Ramadevi. The 1st petitioner's younger sister was given married to the brother of the defacto complainant and due to difference of opinion, the sister of the 1st petitioner left the matrimonial home. In this regard, the 1st petitioner along with other petitioners abused and attacked the defacto complainant. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners have not committed any offence. The 1st petitioner is the father and the 5th petitioner is the mother, while petitioners 2 to 4 are their sons. Due to family animosity, a false case has been foisted, resulting in the entire family being falsely implicated in the

https://www.mhc.tn.gov.in/judis

WEB COPY

offence, as they are innocent persons. Hence, he prayed to allow this petition.

4. The learned Government Advocate (Criminal Side) for the respondent police submitted that there is a family dispute between the parties. The defacto complainant was attacked but treated as an outpatient at the hospital, while another victim, who was also attacked, was admitted and has since been discharged. He also submitted that part of the investigation has been completed.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the certain conditions.

6. Accordingly, the petitioners are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate, on further condition that:

https://www.mhc.tn.gov.in/judis

WEB COPY

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent police for a period of 30 days and as and when required for interrogation;

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

[f] if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
28/05/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

https://www.mhc.tn.gov.in/judis

WEB COPY

Nsr

To:

1 THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3. The Inspector of Police,
Gudalur South Police Station,
Theni District.

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

+1 CC to M/s.A.KARTHIK, Advocate (SR-5816[I] dated 29/05/2025)

ORDER
IN
CRL OP(MD) No.9125 of 2025
Date :28/05/2025

MK/04.06.2025 5P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

https://www.mhc.tn.gov.in/judis