



CRL OP(MD). No.9501 of 2025

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

Date : 09/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9501 of 2025
and
CRL MP(MD). No.7719 of 2025

1.Alagarsamy,
S/o.Muthusamy

2.Kannan,
S/o.Muthusamy

3.Balakrishnan,
S/o.Muthusamy

4.Nandha,
S/o.Sundararaj

... Petitioners/ A1 to A4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Devathanapatti Police Station,
Theni District.
(Crime.No.163 of 2025)

... Respondent/ Complainant



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WEB COPY For Petitioners : Mr.S.Muniyandi,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Criminal Side)

For Intervenor : Mr.S.Sathyachidambaram,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.163 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 329(4), 296(b), 118(1), 109(1) and 351(3) of BNS, 2023 r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.163 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 08.05.2025, at about 5.00 p.m., the petitioners trespassed into the de-facto complainant's house, abused her using filthy language, assaulted her with a sickle and also threatened her with dire



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consequences. Hence, the present case.

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3. The learned counsel for the petitioners submitted that it is a case, case in counter. The petitioners are innocent persons and have not committed any offence as alleged by the prosecution. Due to previous enmity between the petitioners and the de-facto complainant, she has lodged the present false complainant against the petitioners. A counter case has also been registered in Crime No.162 of 2025 on the file of the respondent police. He, however, submitted that the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he seeks anticipatory bail to the petitioners.

4. The learned counsel for the intervenor submitted that after the present complaint was lodged by the de-facto complainant against the petitioners, the petitioners once again went to the de-facto complainant's house and assaulted the de-facto complainant's family members with a sickle. Consequently, a case has been registered by the de-facto complainant's daughter against the petitioners in Crime No.190 of 2025 on the file of the respondent police. He submitted that several cases have been registered against the petitioners in various police stations. He further



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submitted that if anticipatory bail is granted to the petitioners, the petitioners may be directed to appear and sign before some other police station. However, he strongly opposed to grant anticipatory bail to the petitioners.

5. The learned Government Advocate (Criminal Side) submitted that it is a case, case in counter. The petitioners have been arrayed as A1 to A4 in this case. A5 was arrested and subsequently released on bail on 30.06.2025 by the learned Principal Sessions Judge, Theni in Crl.M.P.No.1333 of 2025. However, he opposed to grant anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case, and also taking note of the fact that it is a case, case in counter, and that the co-accused was arrested and subsequently released on bail, and that as the date of occurrence is 08.05.2025, by this time most of the investigation might have been completed, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of



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receipt of a copy of this order, before the learned Judicial Magistrate, Periyakulam, Theni District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate, Periyakulam, Theni District and on further conditions that:

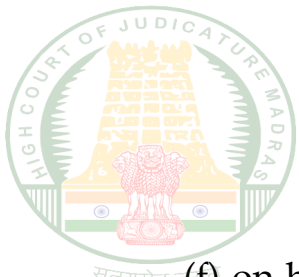
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Periyakulam, Theni District. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Periyakulam, Theni District;

(c) the petitioners shall report before the Inspector of Police, Batlagundu Police Station, Dindigul daily at 10.30 a.m., until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;



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(f) 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 themselves as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. Accordingly, this Criminal Original Petition is allowed. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

09.07.2025

// True Copy //

/ /2025

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court

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TO
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1.The Judicial Magistrate,
Periyakulam, Theni District

2.Do Through The Chief Judicial Magistrate,
Periyakulam, Theni District

3.The Inspector of Police,
Devathanapatti Police Station,
Theni District.

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

Copy to
The Inspector of Police,
Batlagundu Police Station,
Dindigul District.

1 cc to M/S.S.Muniyandi, SR-7375 Defendant 10/07/2025

ORDER
IN
CRL OP(MD) No.9501 of 2025
and
CRL MP(MD). No.7719 of 2025

Date : 09/07/2025

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