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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.10078 of 2025

Athithya @ Aadhithya
S/o.Arumugam .. Petitioner/Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kulithalai Police Station,
Karur District.
(Crime No.341 of 2025) .. Respondent/Complainant

For Petitioner : Mr.V.Karuna
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

RAYER :-

For Anticipatory Bail in Crime No.341 of 2025 on the file of the Respondent Police.

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ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 115(2), 351(3) of BNS and Section 4 of TamilNadu Prohibition of Harassment of Women Act, 2002 in Crime No.341 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto-complainant's father having 2.30Acres of agricultural land. After his demise, the defacto-complainant and her mother was in possession of the said property. The Defacto-complainatn has decided to transfer the said property in her name and she went to Sub-Registrar Office, Kulithalai and at that time, the first accused who is her relative came there and made wordy quarrel and restrained her to register the said property in her name. On 19.03.2025, at about 08.00p.m. When the defacto-complainant and her husband at their house, the accused persons came there and scolded her in filthy language and A1 pulled her saree and kicked her and also attacked her husband and threatened with dire consequences. Hence, the case.

3. The learned counsel for the petitioner would submit that there are totally three accused, the petitioner was arrayed as A2. The respondent police lodged a false case against this petitioner. The petitioner is an innocent person and he has not

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committed any offences as alleged by the prosecution. The petitioner is ready and willing to abide any conditions which may be imposed by this Hon'ble Court. Hence, he seeks anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that due to property dispute this petitioner and other accused persons went to the house of the defacto-complainant and scolded her in filthy language and attacked her and threatened her with dire consequences. The defacto-complainant had sustained simple injury and treated as out patient. Already the first accused was arrested and subsequently released on bail by way of bail order passed by the learned Judicial Magistrate, Kulithalai and third accused was absconded. There is no previous case pending against the petitioner. However, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and also considering the fact that the co-accused was already arrested and subsequently released on bail, in this case, there is no previous case against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate Court No.II,

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Kulithalai, Karur District on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 Judicial Magistrate Court No.II, Kulithalai, Karur District and on further conditions that:

(a) the petitioner 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 petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate Court No.II, Kulithalai, Karur District. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate Court No.II, Kulithalai, Karur District;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

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

(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

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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;

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

sd/-
17/06/2025

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

GVN

TO

1 THE JUDICIAL MAGISTRATE COURT NO.II,
KULITHALAI, KARUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.

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

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+1. CC to V. KARUNA Advocate SR.No.6410 (I) DT.17/06/2025

ORDER
IN
CRL OP(MD) No.10078 of 2025
Date :17/06/2025

NM/27.06.2025 6P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023

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