



CRL OP(MD). No.11747 of 2025

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

Date : 30/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11747 of 2025

and

CRL MP(MD). No.10081 of 2025

1.P.M.Arun,
S/o.Marakkannu

2.Metha,
W/o.P.M.Arun

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.
(Crime No.340 of 2025)

... Respondent/Complainant

For Petitioners : Mr.A.Mohan,
Advocate

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

For Intervenor : Mr.K.Rajeshwaran,
Advocate



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WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.340 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 115(2) of BNS, 2023 r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.340 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is the brother of the de-facto complainant, and the 2nd petitioner is the wife of the 1st petitioner. All of them were living together in the same house. It is alleged that the petitioners harassed the de-facto complainant by denying her food and also physically assaulted her. Unable to bear the harassment, the de-facto complainant left the house on 16.10.2024. Hence, the present case.

3. The learned counsel appearing for the petitioners submitted that the 1st petitioner and the de-facto complainant are siblings. It is pertinent to note that a suit

<https://www.jmc.tn.gov.in/judis>



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for partition filed by the 1st petitioner is pending in O.S. No.352 of 2024 on the file of the Principal District Court, Srivilliputhur. Due to certain misunderstandings between the 2nd petitioner and the de-facto complainant, the de-facto complainant voluntarily left the house on 16.10.2024 and subsequently lodged a false complaint against the 1st petitioner with false allegations. The respondent police, despite being aware of the pendency of the civil suit, unlawfully threatened the 1st petitioner to vacate the subject property. Consequently, the 1st petitioner approached this Court by filing Crl.O.P.(MD) No.21800 of 2024, seeking a direction to restrain the respondent police from interfering in the civil dispute. The said petition was closed. Thereafter, the respondent police reopened the very same complaint dated 13.11.2024 and registered the present FIR on 02.07.2025, after coming to know that the petitioner had approached this Court in Crl.O.P.(MD)No.11371 of 2025, seeking a direction restraining the respondent police from harassing the petitioner and threatening to evict him from the subject property. The de-facto complainant, suppressing all these facts, lodged the present complaint with an intent to grab the subject property with the assistance of the respondent police.

4. The learned counsel for the petitioners further submitted that the petitioners are innocent persons and have not committed any offence as alleged by the

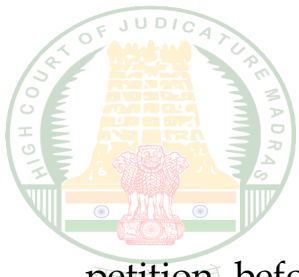


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prosecution. However, the petitioners are willing to abide by any conditions that may be imposed by this Court. Hence, he prays that anticipatory bail be granted to the petitioners.

5. The learned counsel for the intervenor submitted that the de-facto complainant is employed as a Doctor at Guruvammal Trust Hospital, Srivilliputhur. After the demise of her mother, the de-facto complainant was residing with her father and her brother/the 1st petitioner herein. He submitted that as the de-facto complainant's father's tongue was removed due to cancer, he was unable to protect or manage the family property. He further submitted that the 1st petitioner harassed the de-facto complainant by not providing her food, verbally abused her using filthy language, and physically assaulted her. In order to escape the harassment, she left the home and started residing at a family friend's house. He also submitted that the respondent police failed to take any action on the de-facto complainant's complaint. Consequently, she filed a writ petition before this Court in W.P.(MD) No.886 of 2025, seeking a direction to take appropriate action on her complaint. This Court directed the respondent police to take action within a period of two weeks from the date of receipt of a copy of that order. However, as the respondent police failed to comply with the Court's direction, the de-facto complainant filed a contempt



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petition before this Court in Cont.P.(MD)No.1287 of 2025. Only thereafter, the present FIR came to be registered against the accused. However, he strongly opposed to grant anticipatory bail to the petitioners.

6. The learned Government Advocate (Crl. side) submitted that there are totally two accused persons in this case. The issue pertains to a civil dispute. He further submitted that no one sustained any injuries due to the incident. However, he opposed to grant anticipatory bail to the petitioners.

7. Taking into consideration of the facts and circumstances of the case, the nature of the offence, and also taking note of the fact that the date of occurrence is 16.10.2024 and the complaint was lodged only on 13.11.2024 and the FIR was registered on 02.07.2025, and that no one sustained any injuries due to the incident, and that by this time, most of the investigation might have been completed, and that as the issue pertains to a civil dispute, the custodial interrogation of the petitioners is not necessary in this case, this court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of



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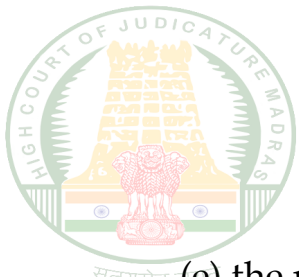
arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Judge (Magistrate Level), Srivilliputhur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 Mahila Judge (Magistrate Level), Srivilliputhur, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Mahila Judge (Magistrate Level), Srivilliputhur. In the event of any change in their residential address, the petitioners shall report the same to the learned Mahila Judge (Magistrate Level), Srivilliputhur;

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

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



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(e) the petitioners 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 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

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

sd/-
30/07/2025

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/08/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MKN

TO

1 The Mahila Court (Magistrate Level),
Srivilliputhur.



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2 Do Through

The Chief Judicial Magistrate,
Virudhunagar District.

3 The Inspector of Police,
Srivilliputhur Town Police Station,
Virudhunagar District.

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

+1CC to Mr.A.Mohan Advocate SR No.47892 (I) DT.31/07/2025

ORDER
IN

CRL OP(MD) No.11747 of 2025

Date :30/07/2025

NM/28.08.2025/ 8P/6C

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