



CRL OP(MD). No.11979 of 2025

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

Date : 23/07/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.11979 of 2025
and
CRL MP(MD). No.9707 of 2025

Shanmugaraj @ Shunmugam,
S/o.Kombaiya Pandiyan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by, the Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.494 of 2025)

... Respondent/Complainant

For Petitioner : Mr.Muthuram.R,
Advocate

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

For Intervenor : Mr.A.Anto Michael Joe,
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

For Anticipatory Bail in Crime No.494 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 296(b), 131 and 351(3) of BNS, 2023 r/w. Section 4 of TNPHW Act in Crime No.494 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that due to an existing enmity between the petitioner and the de-facto complainant, on 09.07.2025, at about 03.00 p.m., the petitioner is said to have abused the de-facto complainant and his wife using filthy language, slapped the de-facto complainant and also threatened him with dire consequences. Hence, the present case.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and is in no way connected with the alleged occurrence as stated by the prosecution. He has been falsely implicated in this case.

He, however, submitted that the petitioner is willing to abide by any conditions that

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



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may be imposed by this Court. Hence, he seeks anticipatory bail.

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4. The learned counsel for the intervenor submitted that due to election motive, the petitioner attacked the de-facto complainant. He further submitted that the accused should be taken into custody for proper investigation in this case. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. side) submitted that the petitioner is the sole accused in this case. Due to election motive, the accused assaulted the de-facto complainant. He submitted that there are two previous cases registered against the petitioner. He further submitted that the injured has been discharged from the hospital. However, he opposed to grant anticipatory bail to the petitioner.

5. In reply, the learned counsel for the petitioner, by filing an additional typed set of papers, submitted that the petitioner has been acquitted in both cases.

6. Taking into consideration the facts and circumstances of the case, the nature of the offence, and taking note of the fact that the injured has been discharged from the hospital, and that the previous cases against the petitioner have already ended in



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acquittal, and also considering the strong objection raised by the de-facto complainant, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.

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7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate No.III, Tirunelveli 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 the police officer who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli District, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 her residential address and mobile number to



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the learned Judicial Magistrate No.III, Tirunelveli District. In the event of any
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change in her residential address, the petitioner shall report the same to the learned
Judicial Magistrate No.III, Tirunelveli District;

(c) the petitioner shall report before the learned Judicial Magistrate No.III, Tirunelveli daily twice i.e. at 10.00 a.m. and 05.30 p.m. for a period of 30 days. Thereafter, the petitioner shall report before the said Court on all hearing dates;

(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 petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court herself 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.



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

sd/-
23/07/2025

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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 JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
TIRUNELVELI TALUK POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.R.MUTHURAM, Advocate (SR-7996[I] dated 24/07/2025)



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ORDER
IN
CRL OP(MD) No.11979 of 2025
AND
CRL MP(MD) No.9707 of 2025
Date :23/07/2025

NM/18.08.2025/ 7P/6C

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