



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.698 of 2025

Vinith @ Kutty

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep by The Inspector of Police,
Nadukaveri Police Station,
Thanjavur District,
Crime No.379 of 2024.

... Respondent/ Complainant

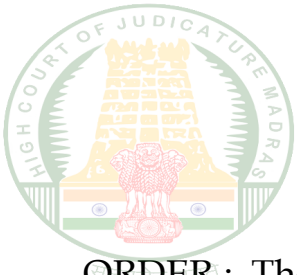
For Petitioner : Mr.R.L.Dhilipan Pandian, Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 379 of 2024 on the file of the respondent-Police.



ORDER: The Court made the following order :-

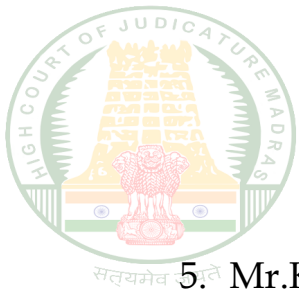
WEB COPY

This Criminal Original Petition has been filed by the petitioner on 09.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS) in Crime No.379 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 19.07.2024, the petitioner and other accused person committed a theft of a two wheeler bearing registration No.TN-09-AV-3704 from the police station. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to obey the conditions if any imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



WEB COPY

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the petitioner has five previous cases and the petitioner along with other accused persons, has committed the theft of a two-wheeler parked at the police station in respect of another crime. Accordingly, he prayed to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. The petitioner has permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offence and with a view to give one more opportunity to the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the Judicial Magistrate, Thiruvaiyaru, Thanjavur;



WEB COPY

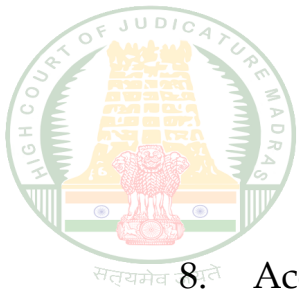
(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur;

(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



8. Accordingly, this Criminal Original Petition is allowed subject to the
WEB COPY
conditions stated supra.

Sd/-
13/02/2025

/ TRUE COPY /

/02/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd

TO

- 1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU THANJAVUR
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
NADUKAVERI POLICE STATION,
THANJAVUR DISTRICT,
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.698 of 2025
Date :13/02/2025

ES/SKN/SAR /25.02.2025/5P/5C

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