



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2010 of 2025

1. Veeraiah,
2. Palanikumar,

... Petitioners/ Accused No.2 & 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Embal Police Station,
Pudukkottai District.
Crime No.2/2025.

... Respondent/Complainant

For Petitioners : Mr.Seemaraj.K,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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PRAYER :-

PETITION FOR BAIL Under Sec.483 of BNSS

For Bail in Crime No.2 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 29.01.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners / Accused Nos.2 & 3 were arrested and remanded to judicial custody on 10.01.2025 for the alleged offence punishable under Section 305(e) of the Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.2 of 2025 on the file of the respondent police.

3. The defacto complainant is the Grade-II Police Constable of Embal Police Station. The case of the prosecution is that on 10.01.2025, at about 19.30 hours, when the defacto complainant was on duty, he noticed that the vehicle bearing no registration number and seized in connection with the river sand theft case (Crime No.1 / 2025) from the first petitioner, which had been parked at the Police Station for surrendering to the Court, was missing. The said vehicle was later found at a distant place, where the petitioners had hidden it. Hence, the complaint.



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4. Mr.K.Seemaraj, learned counsel appearing for the petitioners, submitted that the first petitioner is the owner of the said Tractor. He would further submit that the petitioners have not committed any offence as alleged by the prosecution. He would further submit that the petitioners have been in judicial custody since 10.01.2025 and that they are ready to abide by any conditions to be imposed by this Court and prays for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police, would submit that there are two previous cases against the first petitioner and there is no previous case against the second petitioner. He would further submit that the alleged vehicle has been recovered from the accused persons. He would further submit that the petitioners took the vehicle without obtaining any permission from the Officer at the police station. Hence, he vehemently opposed the grant of bail to the petitioners.

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

7. The petitioners were arrested and remanded to judicial custody on 10.01.2025. There are two previous cases against the first petitioner and there is no previous case against the second petitioner. A perusal of the records reveals the fact that the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Hence, with a view to give one more



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opportunity to reform themselves, this Court is inclined to grant bail to the petitioners, however, subject to certain conditions. Accordingly, bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall execute a bond for Rs.1,00,000/- (Rupees One Lakh only) each along with two sureties each for a like sum of Rs.1,00,000/- (Rupees One Lakh Only) to the satisfaction of the learned Judicial Magistrate, Avudaiyarkovil, Pudukkottai District;

(ii) 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, Avudaiyarkovil, Pudukkottai District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number;

(iv) The petitioners shall appear and sign before the learned Judicial Magistrate, Avudaiyarkovil, Pudukkottai District daily at 10.30 a.m., and 05.00 p.m., until further orders;

(v) The petitioners 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, Avudaiyarkovil, Pudukkottai District is entitled to pass appropriate



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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 conditions stated supra.

sd/-
05/02/2025

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05 /02/2025
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSJ

TO

1 THE JUDICIAL MAGISTRATE
AVUDAIYARKOVIL,
PUDUKKOTTAI DISTRICT.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.



3 THE SUPERINTENDENT,
SUB JAIL, ARANTHANGI, PUDUKKOTTAI DISTRICT.

4 THE INSPECTOR OF POLICE,
EMBAL
POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.K.SEEMARAJ, Advocate (SR-1389[I] dated 05/02/2025)

ORDER
IN
CRL OP(MD) No.2010 of 2025
Date :05/02/2025

NBF / SAR- (05/02/2025) 6P / 7C
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