



CRL OP(MD). No.2093 of 2025

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

Date : 05.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Thajudeen Arafath  
2.Abdul Sidiq @ Abubakkar Siddiq ... Petitioners/ Accused (rank not known)

Vs

State of Tamil Nadu,  
Rep. by The Inspector of Police,  
Munneerpallam Police Station,  
Tirunelveli District.  
(Crime No.91 of 2008) ... Respondent/ Complainant

For Petitioners : Mr.K.Dinesh, 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.91 of 2008 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



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 454 and 380 of Indian Penal Code, 1860 in Crime No.91 of 2008 on the file of the respondent-police.

3. The case of the prosecution is that on 04.04.2008, the gold jewels belonging to the defacto complainant's wife was missing from her. Hence, the defacto complainant lodged the complaint on 05.04.2008.

4. Mr.K.Dinesh, learned counsel appearing for the petitioners submits that the petitioners have been arrayed as accused nos.2 and 3. The petitioners have not committed any offence as alleged by the prosecution. The respondent-police has lodged nearly 10 cases against the petitioners in various crime numbers. In Crime No.91 of 2008, the respondent-police has filed the Charge Sheet. The learned Judicial Magistrate has taken the final report on file in C.C.No.17 of 2012 and the said case has been split up in C.C.No.212 of 2012. He further submits that no summons were received by the petitioners. Hence, the petitioners were not able to appear before the Judicial Magistrate and non bailable warrant came to be issued. He also submits that the petitioners apprehend arrest at the hands of the respondent-police. Hence, the petitioners filed this petition seeking an order of pre-



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arrest bail.

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5. In response, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that nonailable warrant was issued in the year 2018 and the same is pending. The petitioners can very well surrender before the learned Judicial Magistrate and re-call the warrant. The present petition is not maintainable. Accordingly, he prays to dismiss the Criminal Original Petition.

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

7. It is stated that the summons were not served to the petitioners. In the circumstances, the apprehension of the petitioners is quite reasonable. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.V, Tirunelveli, 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned Judicial Magistrate No.V, Tirunelveli.

(ii) Thereafter, the petitioners shall appear and sign before the learned Judicial



Magistrate No.V, Tirunelveli, on all working days at 10.30 a.m. until further orders;

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(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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.V, Tirunelveli.

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

(vi) On breach of any of the aforementioned conditions, learned Judicial Magistrate No.V, Tirunelveli, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon-ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

8. Considering the date of offence, the learned Judicial Magistrate No.V, Tirunelveli is requested to dispose the case as early as possible. The respondent-police as well as the petitioners are directed to co-operate with the Trial Court for speedy disposal of the case.



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9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-  
05/02/2025

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

MBI

To

1.The Judicial Magistrate No.V,  
Tirunelveli.

2.Do through the Chief Judicial Magistrate,  
Tirunelveli district.

3.The Inspector of Police,  
Munneerpallam Police Station,  
Tirunelveli District.

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

+1 CC to M/s.K.DINESH, Advocate ( SR-1445[I] dated 06/02/2025 )

ORDER  
IN  
CRL OP(MD) No.2093 of 2025  
Date :05/02/2025



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ED/ SKN /SAR- (19/02/2025) 6P / 6C

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