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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2148 of 2025

Balakrishnan,
S/o. Karuthaiah,
No.11, North 5th Street,
Nearby Alamelu Gas Agencies,
Karaikudi,
Sivagangai District.
Now Residing At- Koppanapatty,
Ponnamaravathy, Pudukkottai.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Ponnamaravathy Police Station,
(Cr.No.4 of 2025),
Pudukkottai District..

... Respondent/Complainant

For Petitioner : Mr.Prasanna Rajadurai.A
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



WH PRAYER :-

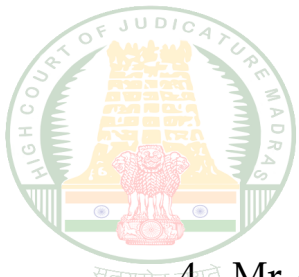
For Anticipatory Bail in Crime No.4 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 30.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 Sections 409, 417, 420 and 477(A) of the Indian Penal Code, 1860 (Act No.45 of 1860) in Crime No.4 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 07.01.2025, the respondent Police registered a case in Crime No.4 of 2025 against the petitioner based on a complaint lodged by the Postal Inspector, Pudukkottai South Sub Division. The allegation against the petitioner is that the petitioner, who was working as a Postmaster in the Alavayal Branch Office, misappropriated the funds of the account-holders to the tune of Rs.1,10,000/-. Hence, the case.

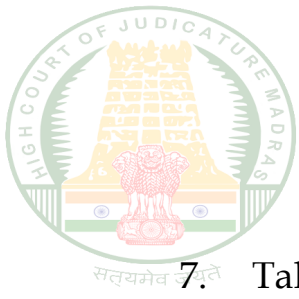


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4. Mr.A.Prasanna Rajadurai, learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner has repaid the alleged sum of Rs.1,10,000/- to the Postal Department. He would further submit that he suspended from his service on 01.07.2024 onwards. He would further submit that the petitioner is willing to abide by any conditions imposed by this Court. He would further submit that the petitioner is ready to cooperate with the investigation carried out by the respondent police. Hence, he prayed to grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the investigation is almost completed and the respondent Police is going to file a charge sheet shortly. He would further submit that the custodial interrogation may not be necessary for the investigation. Hence, he vehemently opposed the grant of pre-arrest bail to the petitioner.

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



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7. Taking into account the petitioner has a permanent residence and hence, there is less possibility of absconding and considering the undertaking given by the petitioner that he is ready to co-operate with the investigation and in order to afford one more opportunity to the petitioner to reform himself in the society and considering the fact that the petitioner has remitted the alleged amount of Rs.1,10,000/- into the Postal Department, 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 District Munsif cum Judicial Magistrate, Ponnamaravathy, Pudukkottai District, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties, out of which one surety shall be a blood relative, each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the District Munsif cum Judicial Magistrate, Ponnamaravathy, Pudukkottai District;

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police daily at 10.00 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 petitioner shall furnish her residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Ponnamaravathy, Pudukkottai District;

(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 District Munsif cum Judicial Magistrate, Ponnamaravathy, Pudukkottai District 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].



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

Sd/-
03/02/2025

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

tsg
TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PONNAMARAVATHY, PUDUKKOTTAI DISTRICT.
2. DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
PONNAMARAVATHY POLICE STATION, PUDUKKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.NA.PALANIYANDI, Advocate (SR-1343[I] dated 03/02/2025)

ORDER IN
CRL OP(MD) No.2148 of 2025
Date :03/02/2025

ES/SKN/SAR /20.02.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from

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