



CRL.OP(MD). No.2507 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2507 of 2025

Dinesh @ Dhineshkumar

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Rameswaram Police Station,
Ramanathapuram District.
(Crime No.204 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.204 of 2024 on the file of the respondent police.

For Petitioner : Mr.C.Senthil Murugan

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 331(3) and 305(a) of BNS, in Crime No.204 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 22.09.2024 at about 3.00 p.m., when the defacto complainant returned home after completing her routine work, she saw two known persons exiting her house. When she questioned them, they fled the scene. Upon checking her house, she came to know that a sum of Rs.95,000/- from silver utensil kept under the old clothes on the bed was stolen/missing. Hence, the case.

4. Mr.C.Senthil Murugan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays to grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 2 accused



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persons in this case and the petitioner has been arrayed as Accused No.1. He further submits that there are no previous cases against the petitioner. He further submits that Accused No.2 was arrested and released on bail and that only a sum of Rs.47,000/- has been recovered from the accused persons and the remaining amount is not yet recovered. Therefore, he contends that, if the petitioner is granted pre-arrest bail, there is possibility of committing similar offences in future and he will cause any threat to the defacto complainant. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. Considering the fact that the petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding and also considering the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform himself, 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 pre-arrest bail in the event of his arrest or



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in the event of his surrender before the learned Judicial Magistrate, Rameshwaram, within a period of 15 days from 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) 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, Rameshwaram.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

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

(iv) The petitioner shall not enter into the defacto complainant's house or her work place.

(v) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.



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

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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 conditions stated *supra*.

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

PAL
TO

1 THE JUDICIAL MAGISTRATE
RAMESHWARAM.



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- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
RAMESWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.2507 of 2025
Date :10/02/2025

SS/SKN/SAR- /20/02/2025/ 6P/5C

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