



CRL.OP(MD). No.2698 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2698 of 2025

Kaatturaja

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
(Crime No.260 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.260 of 2024 on the file of the respondent police.

For Petitioner : Mr.G.Hariharan, Advocate

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 10.02.2025 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 offence punishable under Section 25(1A) of Arms Act, in Crime No.260 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 07.11.2024, at about 10:30 a.m., when the Special Sub-Inspector of Police, along with his team, was on patrol duty, they found that two accused persons were in possession of swords. On seeing the police, they attempted to escape from the place of occurrence. However, the police apprehended A1. Based on his confession, the petitioner was arrayed as A2. Hence, the case.

4. Mr.G.Hariharan, 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 and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal



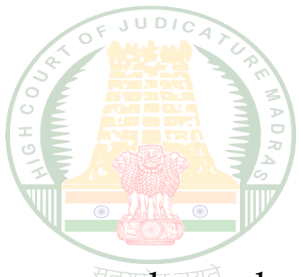
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Side) appearing for the respondent-police, submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as Accused No.2. He further submits that A1 was arrested and released on bail by this Court vide order dated 27.11.2024 in CrI.OP(MD).No.20713 of 2024. However, he contends that, if the petitioner is granted pre-arrest bail, he may cause any threat to the general public. 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 opinion that the custodial interrogation is not necessary in this case. The petitioner has a permanent residence. Considering the facts and circumstances of the case and also taking note of the fact that no injury has been caused and with a view to give one more 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 in the event of his surrender before the learned Judicial Magistrate, Devakottai, Sivagangai District, within a period of 15 days from date on which the order copy is



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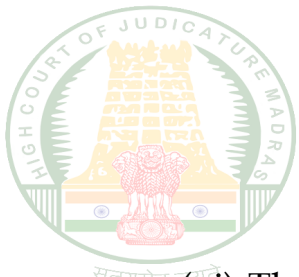
made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Devakottai, Sivagangai District.

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

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

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.



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Court.

(vi) The petitioner shall not leave India without the previous permission of the

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

(viii) 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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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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1.THE JUDICIAL MAGISTRATE, DEVAKOTTAI, SIVAGANGAI DISTRICT,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3.THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.2698 of 2025

Date :13/02/2025

RK/SKN (26/02/2025) 6P / 5C

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