



CRL OP(MD). No.2772 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2772 of 2025

Deepak

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
(In Crime No.39 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.P.Senguttuarasan

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. 39 of 2025 on the file of the respondent police



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.02.2025 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 191(2), 191(3), 351(3) and 303(2) of Bharatiya Nyaya Sanhita (BNS) 2023 in Crime No.39 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that due to the civil dispute, on 03.02.2025, at about 7:00 p.m., when the defacto complainant, who is the watchman of the garden, was returning to his garden, after having dinner, the petitioner and more than 10 others, with deadly weapons, broke the door and looted away the things worth about Rs.30,00,000/- in lorries bearing registration Nos.TN-77-C-1311 and TN-60-BY-3231. When the defacto complainant enquired about the same, they abused the defacto complainant. Hence, this case.

4. Mr.P.Senguttuarasan, the learned counsel appearing for the petitioner,



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submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that due to civil dispute, the petitioner has been falsely implicated in this case and the petitioner has no previous case. He further submits that this is a case in counter. He, however, submits that he is ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner has no previous case. He however, submits that if this Court grants pre-arrest bail to the petitioner, he may cause threat to the defacto complainant. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same and considering the facts and circumstances of the case and the facts that the petitioner is a first offender and it is a case in counter and with a view to give an opportunity to the



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petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail

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to the petitioner subject to the following conditions:

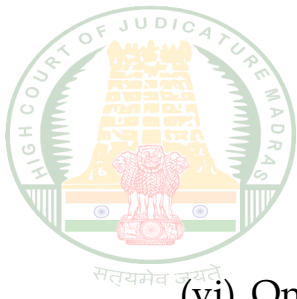
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Uthamapalayam, Theni, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the Judicial Magistrate, Uthamapalayam, Theni;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 5.00 p.m., until further orders;

(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, Uthamapalayam, Theni, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Uthamapalayam, Theni;

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



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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Uthamapalayam, Theni 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/-
14/02/2025

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

APD

TO

1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM THENI

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

3 THE INSPECTOR OF POLICE,
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.

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



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ORDER
IN
CRL OP(MD) No.2772 of 2025
Date :14/02/2025

SS/SKN/SAR- /25/02/2025/ 6P/5C

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