



CRL OP(MD). No.3035 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3035 of 2025

Arun Kumar

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Pandhanallur Police Station,
Thanjavur District.
Crime No.304 of 2024

... Respondent/ Complainant

For Petitioner : Mr.M.Karunanithi, 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.304 of 2024 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 14.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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 Section 379 of Indian Penal Code, 1860 in Crime No.304 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 20.06.2024, the petitioner along with other accused, committed the theft of two gas cylinders that were in front of the tea shop of the defacto complainant. Hence, the case.

4. Mr.M.Karunanithi, learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and that he did not commit any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide by any condition to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that there are totally four accused persons in this case and the petitioner is A4 and that A1 to A3 were already arrested and released on bail. He further submits that the the petitioner has three cases including the present case, which are similar in nature and that the properties were recovered from the accused persons. However, 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 therefore, there is less possibility of absconding. Considering the same and also considering the nature of the offences alleged against the petitioner 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 bail in the event of his arrest or in the event of his surrender before the learned District Munsif cum Judicial Magistrate,

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Thiruvidadaimaruthur, within a period of 15 days from the date on which the order
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copy is 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 District Munsif cum Judicial
Magistrate, Thiruvidadaimaruthur;

(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 make himself available for interrogation by a police
officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the
Court;

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

(vii) The petitioner shall furnish his residential address and mobile number to



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the learned District Munsif cum Judicial Magistrate, Thiruvudaimaruthur;

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

(ix) On breach of any of the aforementioned conditions, concerned 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 them 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/-
20/02/2025

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/03/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUVIDAIMARUTHUR.

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2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR @ KUMBAKONAM.

3.THE INSPECTOR OF POLICE,
PANDHANALLUR POLICE STATION,
THANJAVUR DISTRICT

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

ORDER

IN

CRL OP(MD) No.3035 of 2025

Date :20/02/2025

RK/SKN (05/03/2025) 6P / 5C

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