



CRL OP(MD) No.3191 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.3191 of 2025

Nithish Kumar

... Petitioner/1st Accused

Vs

The Inspector of Police,
Allinagaram Police Station,
Theni District.
Crime No. 07/2025.

... Respondent/Complainant

For Petitioner : Mr.A.Joseph Jerry, Advocate
For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Crl.Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.7 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 18.02.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody

<https://www.mhc.tn.gov.in/judis>



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on 11.01.2025 for the alleged offences punishable under Sections 331(4), 305(a), 132, 121(1), 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.7 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on receiving information through walkie-talkie from the District Control Room that two persons were involved in a theft at the Narcotic Intelligence Bureau (NIB) office, on 11.01.2025, at 00:45 hours, the defacto complainant, the Special Sub-Inspector of Police and the Grade-I Police Constable, reached the said office. At that time, the accused persons were seen approaching the office with bags, about half a kilometer away, in the dark. When the police officials questioned them, the accused person attempted to flee. However, A1 was apprehended, while A2 fled from the scene. During the apprehension of A1, he attacked the Grade-I Police Constable with a stone, causing head and left-hand injuries, and also threatened the officers. On enquiry, it was revealed that they had stolen mobile phones, video cameras, ganja packages, binoculars, and handcuffs from the office. Hence, the case.

4. Mr.A.Joseph Jerry, the learned counsel appearing for the petitioner, submits that the respondent-police, without providing any CCTV footage, stated that the petitioner was involved in the theft of property from the Narcotic Intelligence Bureau (NIB) office. He further submits that the petitioner is an innocent person and he has



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not committed any offence as alleged by the prosecution and has been in judicial custody since 11.01.2025. He therefore prays to grant bail to the petitioner.

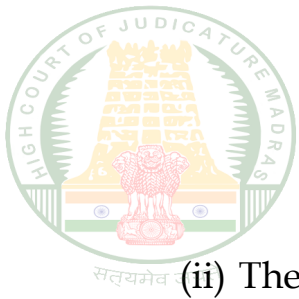
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5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. side) appearing for the respondent-police, submits that there are two previous cases pending against the petitioner and the stolen properties have been recovered from the petitioner and the investigation of the case is still pending. He further submits that if the petitioner is enlarged on bail, he will cause a threat to the defacto complainant and tamper with the evidence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. The petitioner was arrested on 11.01.2025 and is still in judicial custody. The petitioner has two previous cases. The petitioner has permanent residence. Therefore, there is a less possibility of absconding. Considering the same and the period of incarceration, this Court is inclined to grant bail to the petitioner, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for 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, Theni;



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

(iii) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(iv) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

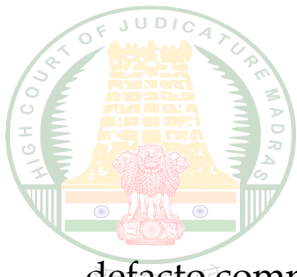
(v) The petitioner shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(vi) The petitioner shall furnish his residential address and mobile number to the concerned Judicial Magistrate;

(vii) The petitioner shall report and sign before the respondent-Police daily twice at 10.00 am and 5.00 pm until further orders;

(viii) The petitioner shall not try to contact the defacto complainant either directly or through any electronic mode;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence; and

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(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Theni 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/-
20/02/2025

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20/02/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE, THENI

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

3 THE SUPERINTENDENT, CENTRAL PRISON, MADURAI.

4 THE INSPECTOR OF POLICE, ALLINAGARAM POLICE STATION,
THENI DISTRICT.

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



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+1 CC to M/s.A.JOSEPH JERRY, Advocate (SR-1889[I] dated 20/02/2025)

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ORDER

IN

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Date :20/02/2025

RS/IT/SAR-(20.02.2025) 6P 7C

Madurai Bench of Madras High Court is issuing
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