



CRL OP(MD). No.3145 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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C.J.Dinesh,
S/o.Johnson,
10/144 North Street,
Thayarthoppu,
Keelapavur,
Tenkasi District.

... Petitioner/ Accused rank not known

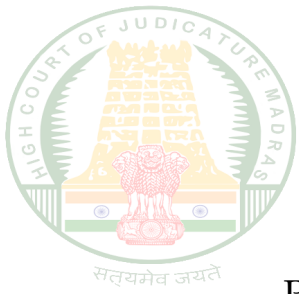
Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Dindigul Town North Police Station,
Dindigul District.
Crime No.343/2024.

... Respondent/Complainant

For Petitioner : Mr.P.Subbiah,
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.343/2024 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 17.02.2025 under Section 482 of the 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 147, 148, 342, 294(b), 323, 386 and 506(2) of IPC in Crime No.343 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is engaged in the business of manufacturing furniture and selling waste iron articles in the name and style of 'SMR Rajeswari'. Due to money dispute between the parties, on 07.03.2024, the petitioner, along with other accused persons, called the defacto complainant over the phone. At about 4:30 p.m., the defacto complainant went to the office of Accused No.2 and the petitioner along with other accused persons demanded Rs. 25,00,000/-



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from him. The accused then transferred Rs. 20,50,000/- from the defacto complainant's father's account to the first accused's account using the defacto complainant's mobile phone without his consent. They also forcibly took Rs. 2,75,000/- in cash, a cheque book belonging to the defacto complainant's brother, viz., Mohanasundaram, six signed blank cheques from his father, five original rental agreements and two mobile phones. The defacto complainant was subsequently released at about 12:45 a.m. Hence, the case.

4. Mr.P.Subbiah, 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.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-Police submits that the custodial interrogation of the petitioner is required in this case. He further submits that if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and his family members. Accordingly, he prays to dismiss this Criminal Original Petition.



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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 of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and with a view to give an opportunity 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 No.II, Dindigul, 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 No.II, Dindigul;

(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 No.II, Dindigul shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent-police daily at

10.00 a.m. until further orders;

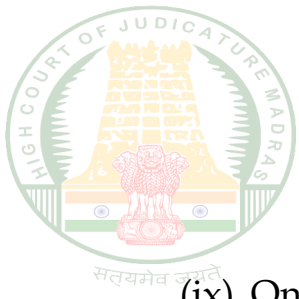
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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;

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

(vii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and shall not enter into the defacto complainant's house or his work place and shall not tamper the evidence;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Dindigul; and



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(ix) 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/-
25/02/2025

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

TSG

TO

- 1 THE JUDICIAL MAGISTRATE NO.II
DINDIGUL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.
- 3 THE INSPECTOR OF POLICE,
DINDIGUL TOWN NORTH POLICE STATION,
DINDIGUL DISTRICT.



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

+1 CC to M/s.P.SUBBIAH, Advocate (SR-2049[I] dated 25/02/2025)

ORDER

IN

CRL OP(MD) No.3145 of 2025

Date :25/02/2025

SS/SKN/SAR- /10/03/2025/ 7P/6C

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