



CRL.OP(MD). No.3657 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3657 of 2025

Dineshkumar

... Petitioner / Accused No.4

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(Crime No.50 of 2020)

... 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.50 of 2020 on the file of the respondent-police.

For Petitioner : Mr.C.Venkatesh,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL.OP(MD). No.3657 of 2025

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2. The petitioner apprehends arrest at the hands of the respondent- police on the basis of Non-bailable Warrant issued against the petitioner by the learned Principal District Judge, Theni for the alleged offences under Sections 147, 148, 149, 109, 202, 120B, 201 and 302 of IPC in S.C.No.32 of 2021 in connection with the Crime No.50 of 2020 on the file of the respondent-police.

3. The case of the prosecution is that the deceased was the husband of A9 and the son-in-law of A1. Due to a family dispute between the deceased and his wife, A9, A1 and A2 conspired to murder the deceased and engaged other accused persons to carry out the act. On 07.08.2019, at the instigation of A1, A2, and A9, the other accused persons attacked the deceased with deadly weapons and murdered him. Hence, the case.

4. Mr. C. Venkatesh, the learned counsel for the petitioner, submits that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He further submits that that on 12.02.2025, when the case was posted for the further examination of witnesses, the petitioner was unable to appear before the Trial Court due to attending a condolence. The absence of the petitioner was neither



CRL.OP(MD). No.3657 of 2025

willful nor wanton. Consequently, the learned Principal District Judge, Theni, issued
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a Non-Bailable Warrant against the petitioner on 12.02.2025. The learned counsel further submits that the petitioner is willing to abide by any conditions imposed by this Court. Therefore, he prays for the grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent police, submits that totally 31 witnesses are to be examined, in which 16 witnesses have already been examined. He further submits that instead of filing a petition under Section 70(2) of Cr.P.C. to recall the Non-Bailable Warrant, the petitioner has chosen to file the present petition seeking pre-arrest bail. He further contends that if pre-arrest bail is granted to the petitioner, he will abscond and will not appear before the Court, thereby delaying the Trial proceedings. He, therefore, prays to dismiss this Criminal Original Petition.

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

7. It is stated that before the issuance of the Non-Bailable Warrant (NBW), the petitioner has been appearing before the Trial Court. However, due to attending a condolence, he was unable to appear on 12.02.2025. The case is posted for the further



CRL.OP(MD). No.3657 of 2025

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examination of witnesses on 19.03.2025. In view of the above, this Court is of the view that custodial of interrogation of the petitioner is not necessary. Therefore, this Court is inclined to grant 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 Principal District Judge, Theni, 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 Principal District Judge, Theni.

(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 learned Principal District Judge, Theni daily at 10.00 a.m. on all working days 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



CRL.OP(MD). No.3657 of 2025

WEB COPY

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 also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Principal District Judge, Theni.

(ix) On breach of any of the aforementioned conditions, the learned Principal District Judge, 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/-
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/03/2025

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



CRL.OP(MD). No.3657 of 2025

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TO

- 1 THE PRINCIPAL DISTRICT JUDGE,
THENI.
- 2 THE INSPECTOR OF POLICE,
KADAMALAIKUNDU POLICE STATION,
THENI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3657 of 2025
Date :26/02/2025

SS/SKN/SAR- /10/03/2025/ 6P/4C

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