WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3659 of 2025

1.Kabilan @ Srikanth

2.Madhan ... Petitioners/Accused Nos.4 & 5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nadukaveri Police Station,
Thanjavur.
Cr. No. 62/2025. ... Respondent/Complainant

For Petitioners : Mr.M.Prabu,
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.62/2025 on the file of the respondent-Police.

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

WEB COPY

ORDER : The Court made the following order :-

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

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.62 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.02.2025, the defacto complainant found that 5 HP Oil Engine was theft from his farm land. On enquiry with the adjacent land owner, he came to know that the neighbour has also lost his oil engine. Therefore, the defacto complainant has lodged the complaint. When the respondent-police was on patrol duty, they noticed that the petitioners were transporting the oil engines, which are said to have been theft, in TATA Ace, bearing registration No.TN-68-A-275. The petitioners have been arrayed as A4 and A5. Hence, this case.

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

WEB COPY

4. Mr.M.Prabu, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. He further submits that the petitioners have no previous case. He however submits that the petitioners are ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that totally, five accused persons were involved in this case and the property, which is worth about Rs.30,000/-, was not recovered. He further submits that if this Court grants pre-arrest bail to the petitioners, they will commit similar type of offence and cause threat to the defacto complainant and witnesses. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and

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

WEB COPY

circumstances of the case, the nature of the offence alleged against the petitioners and the fact that the petitioners are first offenders and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, 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.10,000/- (Rupees Ten Thousand only) each 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, Thiruvaiyaru, Thanjavur District;

(ii) The petitioners shall pay a sum of Rs.10,000/- each to the credit of Crime No.62 of 2025, before the Judicial Magistrate, Thiruvaiyaru, Thanjavur District. In turn, the Judicial Magistrate, Thiruvaiyaru, Thanjavur District is directed to deposit the same, in any nationalised bank in an interest-bearing Fixed Deposit, initially for a period of one year, and renew them, till the conclusion of the case;

(iii) Thereafter, the petitioners shall appear and sign before the respondent-Police weekly once i.e., on every Monday at 10.00 a.m., until further orders;

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

WEB COPY

(iv) 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, Thiruvaiyaru, Thanjavur District shall obtain a copy of any one of identity proofs to ensure their identity;

(v) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District;

(vi) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(vii) The petitioners shall not enter into the house or farm or work place of the defacto complainant;

(viii) The petitioners 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;

(ix) The petitioners shall not leave India without previous permission of the Court;

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

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

WEB COPY

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur District, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners 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/-
26/02/2025

/ TRUE COPY /

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

apd

TO

1 THE JUDICIAL MAGISTRATE
THIRUVAIYARU, THANJAVUR DISTRICT.

2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.

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

WEB COPY

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

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

ORDER IN
CRL OP(MD) No.3659 of 2025
Date :26/02/2025

ES/SKN/SAR/12.03.2025/7P/5C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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