



CRL OP(MD). No.4021 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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R. Muthukumar,

... Petitioner/ Accused No.8

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
Crime No.362/2018.

... Respondent/ Complainant

For Petitioner : M/s. Velmurugan R,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

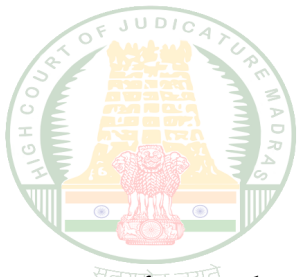
PRAYER :-

For Anticipatory Bail in Crime No.362/2018 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 28.02.2025 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 offence punishable under Sections 147, 148, 294(b) and 506(ii) of IPC and Section



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3 of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992, in
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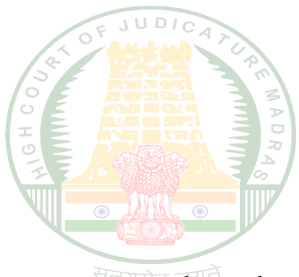
Crime No.362 of 2018 on the file of the respondent-police.

3. The case of the prosecution is that on 21.07.2018 at about 11.00 p.m., when the defacto complainant and the Police Constable were deputed for bandobast for Ayyanar Kovil fesitval, the accused persons came there on two-wheeler, stopped the drama, abused the public/audience in filthy language, threatened them showing iron rod, threw stones and damaged door and other articles. Hence, the case.

4. Mr.R.Velumurugan, 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 a false has been foisted against this petitioner. 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.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioner. He further submits that absconding charge sheet has been filed against the petitioner and the same was taken on file as PRC No.11 of 2019. Accordingly, he prays to dismiss this Criminal Original Petition.

6. The learned counsel appearing for the petitioner submits that the petitioner has not received any summons in this case. He further submits that the petitioner



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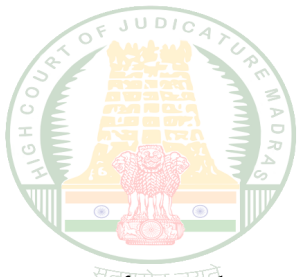
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apprehends that if the petitioner appears before the Court, the Magistrate shall remand the petitioner and send him under custody.

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

8. The respondent police registered a case against the petitioner for the offence punishable under Sections 147, 148, 294(b) and 506(ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992. Section 506(ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, 1992 are non bailable in nature. It is stated that the petitioner has not received any summons in this case. It is also stated that the respondent-police filed absconding charge sheet against the petitioner. In view of the facts and circumstances of this case, the petitioner apprehends that if the petitioner appears before the Court, the Magistrate shall remand the petitioner and send him under custody. The apprehension of the petitioner is reasonable.

9. 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 therefore, there is less possibility for absconding. Considering the above, and also considering the facts and circumstances of the case, and taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to



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reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

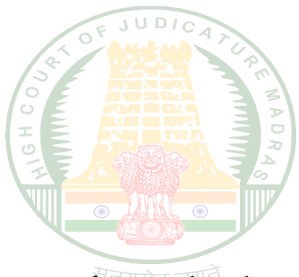
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Sivagangai, Sivagangai District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.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.I, Sivagangai, Sivagangai District.

(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 Judicial Magistrate No.I, Sivagangai, Sivagangai District, 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



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from disclosing such facts to the Court or to any police officer.

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(vi) The petitioner shall 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 concerned Magistrate.

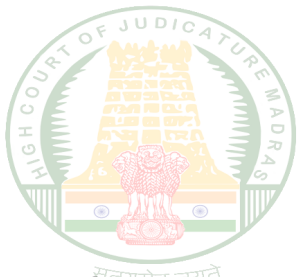
(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

10. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
04.03.2025

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



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TO

1. The Judicial Magistrate No.I,
Sivagangai, Sivagangai District.
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
3. The Inspector of Police,
Kalaiyarkoil Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.VELMURUGAN, Advocate (SR-2399[I] dated 05/03/2025)

ORDER
IN

CRL OP(MD) No.4021 of 2025

Date : 04/03/2025

SL(21.03.2025)/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.