



CRL.OP(MD). No.4048 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4048 of 2025

R.Nagarajan

... Petitioner / Accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thiruppalai Police Station,
Madurai City.
(Crime No.168 of 2025)

... 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.168 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Elango,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

For Intervener : Mr.K.Sathish Kumar,
Advocate

ORDER : The Court made the following order :-



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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 offences punishable under Sections 329(4), 324(5) and 305 of BNS, 2023, in Crime No.168 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant's father had rented a shop premises owned by the father of the petitioner, where he operated a welding shop in the name of his wife. In the meantime, the defacto complainant's father passed away in 2019, due to which they were unable to continue running the shop. However, the defacto complainant continued paying rent to the petitioner even after the death of his father. But since last year, the defacto complainant was unable to pay the rent temporarily as she became pregnant and informed to the petitioner. On 03.08.2024, when the husband of the defacto complainant opened the shop, he was shocked to find that machines and tools worth approximately Rs.25 lakhs were missing. The defacto complainant upon contacting the petitioner, he admitted to breaking open the lock. Following this, the defacto complainant lodged a complaint against the petitioner with the respondent-police on the same day, i.e., 03.08.2024. However, the FIR was registered only on 19.02.2025. Hence, the case.



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4. Mr.S.Elango, 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. He further submits that the petitioner 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. Accordingly,he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner took away the machines and tools worth approximately Rs.25 lakhs from the shop. He further submits that there are no previous cases against the petitioner. He however submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.

6. Mr.K.Sathish Kumar, the learned counsel for the intervener submits in the line of the learned Government Advocate (Criminal Side) appearing for the respondent-police.

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



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8. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also taking into account of the fact that the petitioner is ready to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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, Madurai, 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) 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 No.II, Madurai.

(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 deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of the Crime No.168 of 2025 on the file of the respondent-police,



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before the learned Judicial Magistrate No.II, Madurai, within a period of four weeks from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.168 of 2025. The learned Judicial Magistrate or Trial Court shall pass orders qua entitlement of the said amount in its final order / Judgment.

(iv) The petitioner shall appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

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

(vi) 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.

(vii) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

(ix) The petitioner shall furnish his residential address and mobile number to



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the concerned Magistrate.

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(x) The petitioner shall not enter into the defacto complainant's house or her work place.

(xi) 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/-
26/03/2025

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/05/2025

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

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To

1.THE JUDICIAL MAGISTRATE NO.II,
MADURAI.

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI



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3.THE INSPECTOR OF POLICE,
THIRUPPALAI POLICE STATION,
MADURAI CITY.

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

ORDER
IN
CRL OP(MD) No.4048 of 2025
Date :26/03/2025

HPS/13.05.2025 /7P/5C

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