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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4134 of 2025

S.Dinesh Rao

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No.106 of 2025

... Respondent/ Complainant

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.106 of 2025 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 03.03.2025 under Section 482 of 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 319(2), 336(3), 318(4) and 111 of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.106 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that A1 by creating bogus Aadhaar Card, sold the land in S.Nos.10/4A, 11/1A, B, C, belonging to the father of the defacto complainant, in favour of A2, as if he is the owner of the property. A3 and A4 stood as attesting witness to the Registration. Hence, the case.

4. Mr.D.Anbarasu, learned counsel appearing for the petitioner submits that the petitioner is a practicing advocate in this Court and did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submits that the petitioner is appearing for A2 in O.S.No.179/2024 on the file of learned District Munsif, Ramanathapuram. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he 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 petitioner is A7 and he is the main person responsible for the commission of offence. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has been arrayed as an accused in this case only based on the confession of A2. The petitioner is a practicing advocate and has permanent



residence, hence there is less possibility of absconding. Considering the same and also the overt act of the petitioner and with a view to give an opportunity to the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

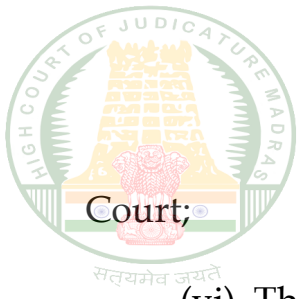
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Ramanathapuram, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten 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, Ramanathapuram;

(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 make himself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the



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

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

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

(ix) On breach of any of the aforementioned conditions, concerned 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 them 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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/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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सत्यमेव जयते
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1 THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE SUB INSPECTOR OF POLICE, KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.D.ANBARASU, Advocate SR.No.3527[I] Dated 27/03/2025

ORDER
IN

CRL OP(MD) No.4134 of 2025

Date :26/03/2025

RS (17/04/2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing
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