



CRL.OP(MD). No.4418 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4418 of 2025

Sikkandar

... Petitioner / Accused Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Railway Police Station,
Madurai District.
(Crime No.19 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.19 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Poornachandran,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.03.2025
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
<https://www.mhc.tn.gov.in/judis>



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the offences punishable under Sections 303(2) of BNS, 2023 @ 303(2) and 317(2) of BNS, 2023, in Crime No.19 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant travelled to Madurai by train to attend a physical test. Upon arrival, he placed his bag in the waiting hall and went to take bath. However, when he returned, his bag was missing. The bag contained his mobile phone and certificates. Upon verification of CCTV footage, it was found that the first accused in this case had stolen the bag and later sold the said mobile phone to the petitioner for Rs.500/-. Consequently, the provisions were altered, and the petitioner was arrayed as an accused. Hence, the case.

4. Mr.S.Poornachandran, 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 property was recovered from the accused persons. He further submits that the petitioner is running a mobile shop and that without knowing the real fact that the first accused persons had stolen the mobile phone from the defacto complainant, the petitioner purchased the same for a sum of Rs.4,000/-. 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.



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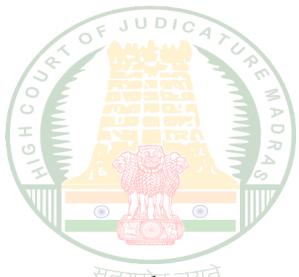
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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that investigation of the case is still pending and the stolen property has been recovered. Therefore, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence. Hence, custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. In view of the offence alleged against the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary. Considering the same and also considering the facts and circumstances of the case and taking note of the fact that the stolen articles have been recovered from the accused persons, 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.VI, Madurai, within a period of 15 days from the date on which the order copy is made



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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.VI,, 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 appear and sign before the respondent-police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders.

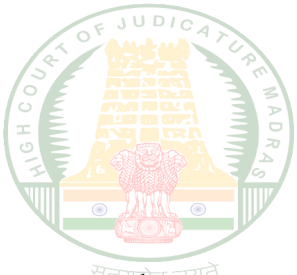
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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 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



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to the concerned Magistrate.

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(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].

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

sd/-
11.03.2025

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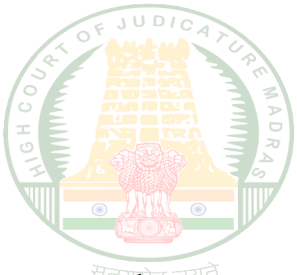
/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal

To

1.The Judicial Magistrate No.VI,
Madurai.

2.Do through the Chief Judicial Magistrate,
Madurai.



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3.The Inspector of Police,
Railway Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.4418 of 2025
11.03.2025

SL(25.03.2025)/ 6P/ 5C

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