



CRL OP(MD). No.4529 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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V.Ram Kumar @ Kannan

... Petitioner/ A3

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Vadasery Police Station,
Kanyakumari District.
Crime No.70/1998.

... Respondent/ Complainant

For Petitioner : Mr. A.Mohamedhaneef
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C38AB -To enlarge the petitioner on Anticipatory Bail in the event of his arrest in CC No.213 of 2018 in Cr No.70/1998 on the file of the Learned Judicial Magistrate No.2 Nagercoil and thus render justice.

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



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ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 07.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / A3 apprehends arrest at the hands of the respondent-police on the proclamation notice, dated 06.02.2025 affixed on his house, in C.C.No.213 of 2018 on the file of the learned Judicial Magistrate No.II, Nagercoil for the offences punishable under Section 379 of IPC in connection Crime No.70 of 1998 on the file of the respondent – Police.

3. The case of the prosecution is that on 14.02.1998 at about 10.40 pm, when the defacto complainant was proceeding on the Sanalkarai Road, Kanian Kulam, Parvathipuram, the petitioner along with other accused persons committed theft of jewels worth about Rs.25,000/-. After the investigation, the respondent-Police, filed a charge sheet against the petitioner and other in C.C.No.359 of 1999. thereafter, the case has been split up into C.C.No.415 of 2002 as far as A2 is concerned and C.C.No.213 of 2018 as far as the petitioner is concerned. Hence, the case.



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4. Mr.A.Mohammed Haneef, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has been falsely implicated in this case. He further submits that since the petitioner went to Kerala for his avocation, he was un aware of the criminal proceedings and only after affixing of proclamation notice, he came to know about the pendency of the case. However, he submits that the petitioner is ready to abide by any conditions that may 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 based on the confession of co-accused, the petitioner herein has been arrayed as A3. He further submits that the case has been split up, and the absconding charge sheet has been filed against the petitioner in C.C.No.213 of 2018 before the learned Judicial Magistrate No.2, Nagercoil. He further submits that at this stage, if pre-arrest bail is granted to the petitioner, he may abscond and thereby delay the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the materials available on

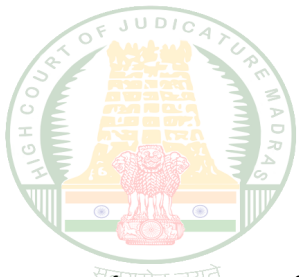
<https://www.mhc.tn.gov.in/judis>



7. In view of the fact that the absconding charge sheet has been filed against the petitioner, the apprehension of the petitioner is reasonable. It is stated that since the petitioner went to Kerala for his avocation, he could not appear before the trial Court. The reason assigned by the petitioner is acceptable. Further, the petitioner has permanent residence. Therefore, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case and with a view to given 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.2, Nagercoil, 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.2, Nagercoil.

(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 No.2, Nagercoil, shall obtain a copy



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of any one of identity proofs to ensure their identity.

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(iii) The petitioner shall appear and sign before the learned Judicial Magistrate No.2, Nagercoil, daily at 10.30 am, 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 not leave India without the previous permission of the Court.

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.2, Nagercoil.

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.2, Nagercoil. 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]*.



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

sd/-
11/03/2025

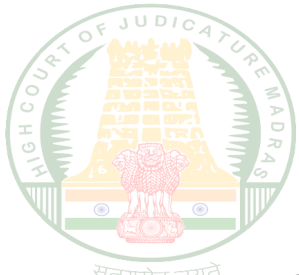
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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

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



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+1 CC to M/s.A.MOHAMED HANEEF, Advocate (SR-2764[I] dated 13/03/2025)

ORDER IN
CRL OP(MD) No.4529 of 2025
Date : 11/03/2025

VN (26/03/2025) 7P / 6C

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