



CRL OP(MD). No.4650 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4650 of 2025

Pasupathi

... Petitioner/ A1

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Kuruvikulam Police Station,
Kuruvikulam,
Tenkasi District.
(In Crime No. 40 of 2025).

... Respondent/ Complainant

For Petitioner : Mr. Sakthivel
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

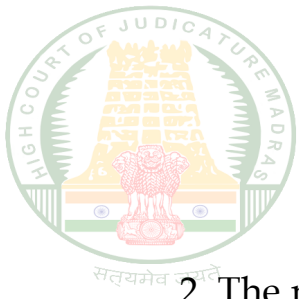
PRAYER :-

For Anticipatory Bail in Crime No. 40 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 11.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

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



CRL OP(MD). No.4650 of 2025

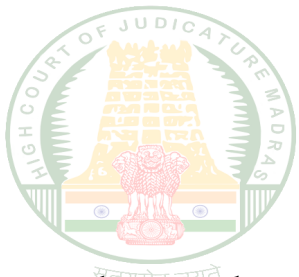
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2. The petitioner / A1 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 318(4) of BNS, 2023, in Crime No.40 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 15.01.2025 the petitioner herein and other accused approached the defacto complainant claiming to provide medicine to stop her husband's drinking habit. Believing the same, she invited them inside the house and subsequently, they stolen the gold chain from the defacto complainant. Hence, the case.

4. Mr.Sakthivel, 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 he 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. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that 26 grams of gold chain has been recovered from the petitioner. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and other witnesses and also commit the similar offence. Accordingly, he prays to



CRL OP(MD). No.4650 of 2025

dismiss this Criminal Original Petition.

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

7. In view of the fact that 26 grams of gold chain has already been recovered from the petitioner, this Court is of the opinion that custodial interrogation of the petitioner, is not necessary in this case. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the facts and circumstances of the case, and with a view to give an opportunity to the petitioner to 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, Sankarankovil, Thenkasi 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.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, Sankarankovil, Thenkasi 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

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



CRL OP(MD). No.4650 of 2025

Practice, 2019']. The learned Judicial Magistrate, Sankarankovil, Thenkasi District, 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 daily at 10.00 am until further orders.

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

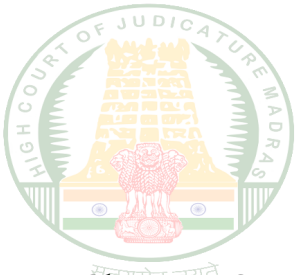
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Sankarankovil, Thenkasi District.

(ix) On breach of any of the aforementioned conditions, the learned learned Judicial Magistrate, Sankarankovil, Thenkasi District, 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.



CRL OP(MD). No.4650 of 2025

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/-
17.03.2025

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/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1. The Judicial Magistrate,
Sankarankovil, Thenkasi District
2. Do-Through The Chief Judicial Magistrate,
Thenkasi District.
3. The Inspector of Police,
Kuruvikulam Police Station,
Kuruvikulam,
Tenkasi District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.4650 of 2025
Date : 17/03/2025

SL(01.04.2025)/ 5P/ 5C

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