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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4740 of 2025

1. Sakthi Shanmuga Sundaram
2. Sakthi Shanmuga Velayutham,
3. Vijay Aditithan @ Vijaya Thithan

... Petitioners/ A2 to A4

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
District Crime Branch Police Station,
Thanjavur District.
Crime No. 12/2024.

... Respondent/ Complainant

For petitioners : Mr.T. Ravikumar
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.12/2024 on the file of the respondent - Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 11.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



to grant an order of pre-arrest bail.

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2. The petitioners / accused Nos.2 to 4 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 409, 420 and 120(B) of IPC, in Crime No.12 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that while A1 was working as a Postmaster during the period from 02.08.2019 to 04.12.2022 in Santhaangkadu Branch Post Office at Thanjavur District, A1 and the petitioners herein had misappropriated a sum of Rs.15,01,249/- from the postal Savings Account of the customers and also a sum of Rs.1,86,815.50/- had mishandled by using the IPPB account of the other accused with their consent. Hence, the case.

4. Mr.T.Ravikumar, the learned counsel for the petitioners, submits that the petitioners are innocent person, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police, submits that the amount misappropriated by the petitioners is very huge. He further submits that the investigation of the case is still pending and therefore, at this stage, if the petitioners is granted pre-arrest bail, he may abscond and tamper with the evidence. Hence, he prays to dismiss this Criminal Original Petition.



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

7. In view of the offence alleged against the petitioners, this Court is of the

view that custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the nature of allegation against the petitioners, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Pattukkottai, Thanjavur 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the said Magistrate.

(ii) The petitioners shall deposit a sum of Rs.40,000/- (Rupees Forty Thousand only) each to the credit of Crime No.12 of 2024 before the learned Judicial Magistrate,, Pattukkottai, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the concerned Court while executing sureties. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a



fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trials. The learned Judicial Magistrate / trial Court shall pass orders *qua* entitlement of amount on its final Judgment / orders.

(iii) 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.

(iv) The petitioners shall appear and sign before the respondent - Police daily at 10.00 am until further orders.

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

(vi) The petitioners 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 them from disclosing such facts to the Court or to any police officer.

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall not enter into the defacto complainant's house or his work place.

(ix) The petitioners shall furnish his residential address and mobile number to the concerned Magistrate.

(x) The petitioners shall not, directly, or indirectly, cause threat to the defacto



complainant and tamper with the evidence.

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(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 petitioners 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/-

21.03.2025

// True Copy //

/04/2025

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

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI, THANJAVUR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH POLICE STATION,
THANJAVUR DISTRICT.

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

+1. CC to K.MAHENDRAN Advocate SR.No.3315[I] Dated 24/03/2025



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ORDER
IN

CRL OP(MD) No.4740 of 2025
Date :21/03/2025

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

Madurai Bench of Madras High Court is issuing
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