



CRL OP (MD) No.4753 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mahendran

... Petitioner/ Accused – rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
K.V.Nallur Police Station,
K.V.Nallur, Tenkasi District.
Crime No.132 of 2019

... Respondent/Complainant

For Petitioner : Mr.N.Pragalathan

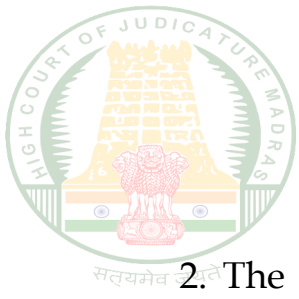
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.132 of 2019 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 12.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/Accused rank not known was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 05.02.2025.

The charge sheet has been filed against the petitioner, and the same was taken on file by the learned Judicial Magistrate, Sankarankovil, Tenkasi in P.R.C.No.44 of 2019 for the alleged offences punishable under Sections 395 and 397 of IPC, in connection with Crime No.132 of 2019, on the file of the respondent-police. Since the petitioner has not appeared before the Trial Court on 29.01.2025, Non Bailable Warrant was issued against him, and the same was executed on 05.02.2025.

3. The case of the prosecution is that on 21.04.2019, at about 9:45 p.m., when the defacto complainant and his family members were having dinner, the petitioner and other accused persons entered into his house and committed theft of gold and silver jewels worth about Rs.3,10,000/-, a Canon camera worth about Rs.40,000/-, and cash of Rs.1,15,000/- by showing aruval. Hence the case.

4. Mr.N.Pragalathan, the learned counsel appearing 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 since the petitioner was arrested and in judicial custody from 15.01.2025 in another case in Crime No.6 of 2025, he was unable to appear before the Trial Court on 29.01.2025. As a result, a Non-Bailable Warrant was issued, and the petitioner was formally arrested on 05.02.2025. He



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further submits that the petitioner has been in judicial custody since 05.02.2025, and that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, the learned Additional Public Prosecutor appearing for the respondent-police also concedes the said fact. He however submits that the petitioner has five previous cases, and that if this Court grants bail to the petitioner, he may abscond. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the statement of victim.

7. The petitioner was arrested on 05.02.2025 and has been in judicial custody. Since the petitioner was in judicial custody in another Crime No.6 of 2025 from 15.01.2025, he was unable to appear before the Trial Court on 29.01.2025. Considering the same, and also considering the nature of the offence allegedly committed by the petitioner and the period of incarceration, and with a view to give one more opportunity to the petitioner, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand



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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, Tenkasi;

(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, Sankarankovil, Tenkasi shall obtain a copy of any one of identity proofs to ensure their identity;

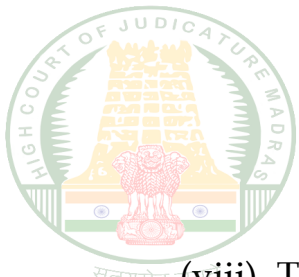
(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Sankarankovil, Tenkasi;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Sankarankovil, Tenkasi, on all working days at 10.30 a.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) 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 or tamper with the evidence;



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(viii) The petitioner shall not enter into the defacto complainant's house or workplace, and shall not try to contact the defacto complainant either directly or through any electronic mode; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Sankarankovil, Tenkasi, 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/-
14/03/2025

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

APD
TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL, TENKASI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TENKASI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, PALAYAMKOTTAI, TIRUNELVELI DISTRICT.

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



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4 THE INSPECTOR OF POLICE,
K.V.NALLUR POLICE STATION,
K.V.NALLUR, TENKASI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2841[I] dated 14/03/2025)

ORDER IN
CRL OP(MD) No.4753 of 2025
Date :14/03/2025

SA/SAR. /14.03.2025/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.