



CRL OP (MD) No.4790 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

CRL OP (MD) No.4790 of 2025

Rajasekar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram.
Crime No.254 of 2016.

... Respondent/Complainant

For Petitioner : Mr.C.Senthil Murugan

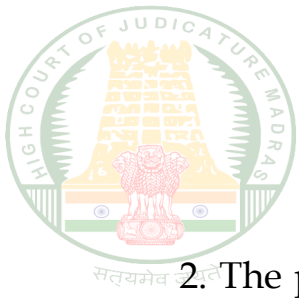
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For bail in Crime No.254 of 2016 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) praying to grant bail.



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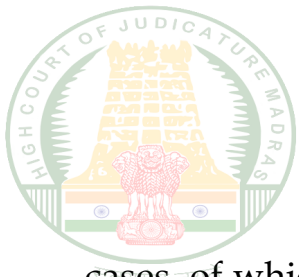
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2. The petitioner/A1 was arrested on the basis of Non Bailable Warrant issued against him and remanded to judicial custody on 08.12.2024. The petitioner is facing trial in C.C.No.105 of 2017 on the file of the learned Judicial Magistrate, Paramakudi for the alleged offences punishable under Sections 457 and 380 of IPC, in connection with Crime No.254 of 2016 on the file of the respondent-police.

3. The case of the prosecution is that on 05.06.2016, at about 3:00 p.m., the petitioner and other accused persons broke open the locker in the house of the defacto complainant and thereby stole 15 sovereigns of gold jewels. Hence, the case.

4. Mr.C.Senthil Murugan, 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 due to his ill-health, the petitioner was unable to appear before the learned Judicial Magistrate on 20.11.2024, and hence, a Non-Bailable Warrant was issued on the same day, which was executed on 08.12.2024. He further submits that prior to 20.11.2024, the petitioner had been regularly appearing before the learned Judicial Magistrate and cooperating with the trial. He further submits 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.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner has 29 previous



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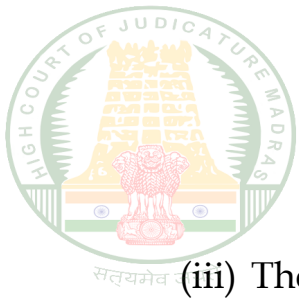
cases, of which 9 have been disposed of and 20 are still pending, and therefore, if this Court grants bail to the petitioner, he may abscond and thereby delay the trial proceedings. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 08.12.2024 and has been in judicial custody. It is stated that due to ill-health, the petitioner was unable to appear before the learned Judicial Magistrate on 20.11.2024, and hence, Non Bailable Warrant was issued. It is noted that the petitioner has been regularly appearing before the Trial Court prior to 20.11.2024. Hence, to adhere to the principles of natural justice and the interests of justice, and also with a view to ensure a fair trial procedure, 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.15,000/- (Rupees Fifteen Thousand only) along with two sureties each for a like sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the satisfaction of the learned Judicial Magistrate, Paramakudi;

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



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

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

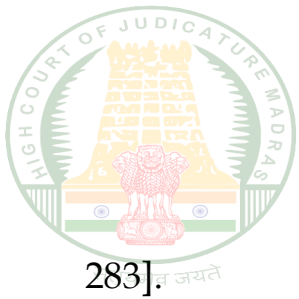
(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(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;

(viii) The petitioner shall also not directly or indirectly cause threat to the defacto complainant and witnesses, 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, Paramakudi 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



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

sd/-
14/03/2025

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14/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD
TO
1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE OFFICER INCHARGE,
DISTRICT PRISON, RAMANATHAPURAM.

4 THE INSPECTOR OF POLICE,
PARAMAKUDI TOWN POLICE STATION,
RAMANATHAPURAM.

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

ORDER IN
CRL OP(MD) No.4790 of 2025
Date :14/03/2025

SA/SAR. /14.03.2025/5P/6C

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