



CRL OP (MD) No.4742 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.4742 of 2025

Esakkiraj

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Pappakudi Police Station,
Tenkasi District.
Crime No.55 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Veerapandi Selvaraj
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.55 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 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/A2 was arrested and remanded to judicial custody on 21.02.2025 for the alleged offences punishable under Section 3(1) of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.55 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 20.02.2025, when the respondent-police were on patrol duty, they found the petitioner and another accused person damaging the CCTV camera installed on the building of Devar Samuthaya Koodam situated at Sivan Kovil Street, by throwing rocks and sticks at it. On seeing the respondent-police, the petitioner and the other accused person escaped. The respondent-police later arrested the accused persons. Hence the case.

4. Mr.S.Veerapandi Selvaraj, the learned counsel appearing for the petitioner, submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 21.02.2025. He therefore prays to grant bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner and another accused person damaged CCTV Camera worth about Rs.25,000/-. He further submits that A1 was already arrested and released on bail, and that the present petitioner has three previous cases, out of which two cases were disposed of. He further submits that if the petitioner is enlarged on bail, he will commit similar offence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has three previous cases, out of which two cases were disposed and only one case is pending. The petitioner was arrested on 21.02.2025 and has been in judicial custody. In the view of the offences alleged against the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary. Further, the petitioner has permanent residence and therefore, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject



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to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

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(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Alangulam, Tenkasi 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 Practice, 2019']. The learned Judicial Magistrate, Alangulam, Tenkasi District 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, Alangulam, Tenkasi;

(iv) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. and 05.00 p.m., until further orders;



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(v) The petitioner shall deposit a sum of Rs.12,500/- to the credit of Crime No.55 of 2025 on the file of the respondent-Police before the learned Judicial Magistrate, Alangulam, Tenkasi District. The learned Judicial Magistrate, Alangulam, Tenkasi District, in turn, shall deposit the same in any interest bearing FD Scheme for a period of one year, and thereafter, renew them till the final Judgment is passed. Further, the learned Judicial Magistrate, Alangulam, Tenkasi District or the Trial Court shall pass orders with regard to the deposited amount while passing final orders / final Judgement.

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

(vii) 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;

(viii) 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; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Alangulam, Tenkasi 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. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

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

sd/-
13/03/2025

/ TRUE COPY /

14/03/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MBI

TO

- 1 THE JUDICIAL MAGISTRATE
ALANGULAM, TENKASI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TENKASI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PAPPAKUDI POLICE STATION,
TENKASI DISTRICT.



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4 THE OFFICER INCHARGE,
SUB JAIL, NANGUNERI, TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.VEERAPANDI SELVARAJ, Advocate (SR-2739[I] dated
13/03/2025)

ORDER
IN
CRL OP(MD) No.4742 of 2025
Date :13/03/2025

SS/SAR- /14/03/2025/ 7P/7C

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