



CRL.OP(MD). No.4748 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4748 of 2025

1.Muruganantham

2.Ravi

... Petitioners / Accused Nos.3 & 4

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Sakkottai Police Station,
Sivagangai District.
(Crime No.176 of 2017)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.176 of 2017 on the file of the respondent-police.

For Petitioners : Mr.G.Hari Haran,
Advocate

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



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ORDER : The Court made the following order :-

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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.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 454, 457 and 380 of IPC, in Crime No.176 of 2017 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who works as a Manager at City Union Bank, resides in Aranmanai Vayal Village. In his house, one Kalaniyappan was employed as a watchman. On 24.05.2017, at around 7:00 AM, the said Kalaniyappan went to the defacto complainant's house to fetch pesticides. At that time, he noticed that the back door of the house had been broken open. Upon being informed, the defacto complainant rushed to his house and discovered that 1 kg of silver articles and other valuables worth about a sum of Rs.40,000/- were missing. Based on the information provided by the defacto complainant, a case was registered against unknown persons.

4. Mr.G.Hari Haran, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely



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implicated in this case. He however submits that the petitioners are ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 4 accused persons in this case and the petitioners have been arrayed as A3 and A4. He further submits that the first petitioner (A3) has no previous cases and the second petitioner (A4) has 11 previous cases. He therefore submits that if this Court grants pre-arrest bail to the petitioners, they will cause threat to the defacto complainant and witnesses. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence alleged against the petitioners and with a view to give one more 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 bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Karaikudi, Sivagangai



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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) each 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, Karaikudi, Sivagangai 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 shall obtain a copy of any one of identity proofs to ensure their identity.

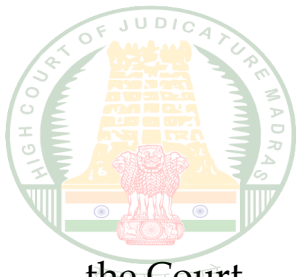
(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 a.m., until further orders.

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

(v) 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 him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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



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the Court.

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

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

(x) 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/-
13/03/2025

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

pal
TO

1 THE JUDICIAL MAGISTRATE

KARAIKUDI

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



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SIVAGANGAI DISTRICT.

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2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4748 of 2025

Date :13/03/2025

HPS/SAR / 01.04.2025/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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