



CRL OP (MD) No.4794 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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Jeevaprasath

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Theppakulam Police Station,
Madurai City.
Crime No. 124/2025

... Respondent/Complainant

For Petitioner : Mr.K.Yasar Arafath,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :- For Bail in Crime No.124 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 12.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant bail.

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2. The petitioner/ Accused No.1 was arrested and remanded to judicial custody on 18.02.2025 for the offences punishable under Sections 296(b) & 351(3) of BNS, 2023 and Section 3(1) of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.124 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 18.02.2025, at about 2:00 a.m., the petitioner and other accused persons, under the influence of alcohol, damaged the glass of the defacto complainant's auto, which was parked in front of Vathiyar Rice Mill, Anuppanadi, worth about Rs.5,000/-. They also damaged two-wheelers that were parked on the street. On seeing the defacto complainant, the accused persons fled the scene of occurrence. Hence, the complaint.

4. Mr.K.Yasar Arabath, 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 he is ready to abide by any conditions that may be imposed by this Court, and that to show his bona fide, he is ready and willing to deposit a sum of Rs.5,000/- to the credit of Crime No.124 of 2025 before the Trial Court concerned. He further submits that the petitioner has been in incarceration since 18.02.2025. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. side)



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appearing for the respondent-police, submits that the damage caused is worth about Rs.5,000/-. He further submits that the investigation of the case is still pending, and therefore, at this stage, if the petitioner is released on bail, he may abscond and tamper the witnesses. Therefore, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same, and also considering the facts that the petitioner is a college-going student and he is ready and willing to deposit a sum of Rs.5,000/-, and taking note of the fact that the petitioner has been in judicial custody since 18.02.2025, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of bail to the petitioner, however, subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand 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 No.I, Madurai.

(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 No.I, Madurai shall obtain a copy of



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any one of identity proofs to ensure their identity;

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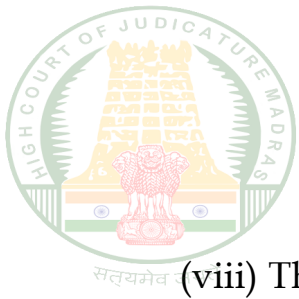
(iii) The petitioner shall deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.124 of 2025 before the learned Magistrate No.I, Madurai, without prejudice to his rights and contentions before the Trial Court, and produce the receipt/acknowledgment before the concerned Judicial Magistrate while executing sureties. Upon such deposit, the concerned Magistrate shall place the said amount in a fixed deposit scheme in any one of the Nationalized Banks for a period of one year, and thereafter, renew the same until the conclusion of the trial. The trial court shall pass an order with regard to the deposit to be made by the petitioner in the final order/judgment.

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Madurai;

(v) The petitioner shall appear before the learned Judicial Magistrate No.I, Madurai, weekly twice ie., on every Monday and Friday at 5.00 pm, until further orders;

(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 he is accused, or suspected, of the commission of which he is suspected;



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(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;

(ix) The petitioner should not enter into the defacto complainant's residence and his work place until further orders;

(x) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

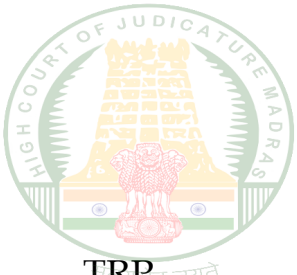
(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Madurai, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. 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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14/03/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TRP
TO
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1 THE JUDICIAL MAGISTRATE NO.I,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL JAIL, MADURAI.

4 THE INSPECTOR OF POLICE,
THEPPAKULAM POLICE STATION,
MADURAI CITY.

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

ORDER IN
CRL OP(MD) No.4794 of 2025
Date :14/03/2025

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

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