



CRL OP(MD). No.4928 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4928 of 2025

Mathan

... Petitioner/ Accused No.6

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.
(Crime No. 137 of 2025)

... Respondent/ Complainant

For Petitioner : Mr. M.Prabu
Advocate

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

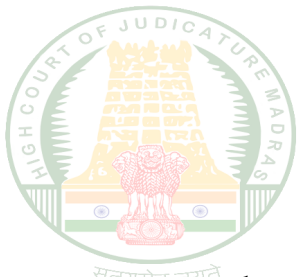
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.137 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 14.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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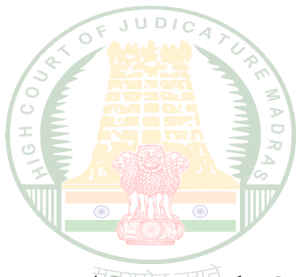
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2. The petitioner / A6 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 305 of BNS in Crime No.137 of 2025 on the file of the respondent-police.

3. The defacto complainant is the Head Constable attached to the respondent – Police Station. The case of the prosecution is that the vehicles which were seized in various criminal cases by the respondent-Police were kept in the custody of the respondent-Police at a secured place with surrounding fence along with gate opposite to the Lakshmi Mill, Kovilpatti. On 15.01.2025, about 8.00 am, during the monthly audit, the defacto complainant, found the fence had been broken and a Two Wheeler bearing Regn.No.TN -96-F9390 which was seized in connection with the NDPS case in PR.No.476 of 2023 on the file of the learned Judicial Magistrate No.II, Kovilpatti was missing and had been stolen by unknown persons. Hence, the case.

4. Mr.M. Prabu, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate



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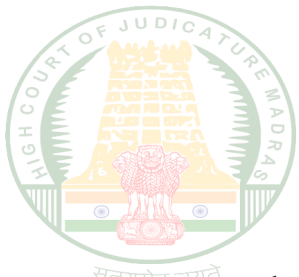
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(Criminal Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioner. He further submits that though the stolen property has been recovered from A4, the investigation of the case is still going on. Hence, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the facts and circumstances of the case, and taking note of the fact that the property has been recovered and with a view to give an opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of 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



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No.II, Kovilpatti, Thoothukudi District,

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(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.II, Kovilpatti, Thoothukudi District shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police weekly twice ie., on every Monday and Friday at 10.00 am until further orders.

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

(v) 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.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate No.II, Kovilpatti, Thoothukudi 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/-
18.03.2025

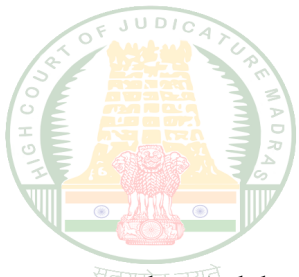
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/04/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

trp

TO

1. The Judicial Magistrate No.II,
Kovilpatti, Thoothukudi District,
2. Do-Through The Chief Judicial Magistrate,
Tuticorin District.
3. The Inspector of Police,
Kovilpatti West Police Station,
Thoothukudi District.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.4928 of 2025
Date : 18/03/2025

SL(03.04.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.