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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 20/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5185 of 2025

R.Thevakar

... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
Dhalavaipuram Police Station,  
Virudhunagar District.  
Crime No. 398/2024.

... Respondent/Complainant

For Petitioner : Mr.M. Jegadeesh Pandian  
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 Crime No.398 of 2024 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 18.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



2. The petitioner / accused rank not known, apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 309(4) of Bharatiya Nyaya Sanhita, 2023, in Crime No.398 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that on 18.12.2024 at about 8.30 pm., when the defacto complainant was returning to his home on his bicycle via Asaiyamani Vilakku to Moogavoor Road, the petitioner herein and other accused persons waylaid him, snatched his Mobile Phone worth about Rs.12,000/-, and also threatened him with dire consequences. Hence, the case.

4. Mr.M.Jegadeesh Pandian, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed 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 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 (Criminal Side) appearing for the respondent-police, submits that there are four previous cases pending against the petitioner, and that the mobile phone of the defacto complainant has not been recovered. He further submits that the investigation of the case is pending, and therefore, at this stage, if the petitioner is granted pre-arrest bail, he may commit similar offence, cause threat to the defacto complainant and tamper with the evidence. Hence, he prays to dismiss this Criminal Original



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

7. In view of the allegation made against the petitioner and the fact that based on the confession of co-accused, the petitioner herein has been arrayed as an accused, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Considering the same, and with a view to give one more opportunity to the petitioner 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, Rajapalayam, Virudhunagar 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) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

(ii) The petitioner shall deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of Crime No.398 of 2024 before the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, without prejudice his rights and contentions before the trial Court. On such deposit, the said Magistrate is directed to

deposit the said amount in any one of the Nationalized Banks in a fixed deposit



scheme for a period of one year and thereafter, renew the same till the conclusion of trial. The learned Judicial Magistrate / Trial Court shall pass orders qua entitlement of the amount in its final Judgment / order.

(iii) 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.

(iv) The petitioner shall appear and sign before the respondent – Police daily at 10.00 am until further orders.

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

(vi) 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.

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

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

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

(x) The petitioner shall not, directly, or indirectly, cause threat to the defacto



complainant and tamper with the evidence.

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(xi) 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 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/-

20.03.2025

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/04/2025

Sub Assistant Registrar  
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,  
Madurai

TRP

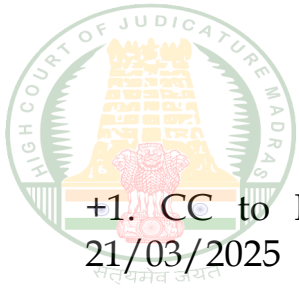
TO

1 THE JUDICIAL MAGISTRATE, RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE INSPECTOR OF POLICE, DHALAVAIPURAM POLICE STATION,  
VIRUDHUNAGAR DISTRICT.

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



+1. CC to M/S. JEGADEESH PANDIAN.M Advocate SR.No.3250[I] Dated  
21/03/2025

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ORDER

IN

CRL OP(MD) No.5185 of 2025

Date :20/03/2025

RS(15/04/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing  
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