



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 20/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5140 of 2025

S. Arumuganainar

... Petitioner/ Sole Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.
In Crime No. 389 of 2024.

... Respondent/ Complainant

For Petitioner : Mr. R Aravindraj
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.389 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 / Sole accused apprehends arrest at the hands of the respondent-police for the offences punishable under Section 281, 110 of BNS, 2023 @ Section 105 of BNS, 2023 in Crime No.389 of 2024 on the file of the respondent-police.

3. The case for the prosecution is that on 22.12.2024, the defacto complainant's father returning home after servicing his two wheeler bearing Regn.No.TN69 AH 4777 at that time, the petitioner's car bearing Regn.No.TN 72 Ba 4777 driven at high speed and under the influence of alcohol rammed into the two wheeler from behind and caused severe head and leg injuries to the defacto complainant's father and later, he succumbed to the injuries. Hence, the case.

4. Mr.R.Aravindaraj, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has been falsely implicated in this case. He, however, he submits that the petitioner is ready to abide by any conditions that may 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 is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may commit similar offence and cause threat to the defacto complainant and the witnesses. Accordingly, he prays to dismiss this Criminal



Original Petition.

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6. Heard on both sides and perused the materials available on record.

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Further, 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 and circumstances of the case and with a view to give an 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 No.III, Thoothukudi, 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.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 No.III, Thoothukudi.

(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.

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

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

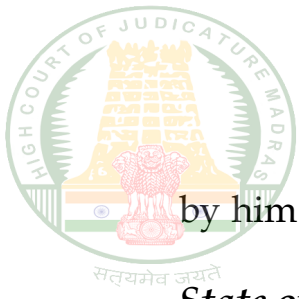
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

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

(viii) The petitioner shall not directly or indirectly cause threat to the defacto complainant and his family members and tamper with the evidence.

(ix) 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].

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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 NO.III, THOOTHUKUDI.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE, PUDUKOTTAI POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN

CRL OP(MD) No.5140 of 2025

Date :20/03/2025

RS (17/04/2025) 5P/ 5C

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