



CRL OP(MD). No.5013 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/03/2025

PRESENT

THE HONOURABLE **MR. JUSTICE R. SAKTHIVEL**

CRL OP(MD). No.5013 of 2025

G.Prabu

... Petitioner/ Accused Rank Not
Known

Vs.,

The State of Tamil nadu,
rep by the Inspector of Police,
Mattuthavani Police Station,
Madurai City.
(Crime No.790 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.C.M.Mari Chelliah Prabhu
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.790 of 2024 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



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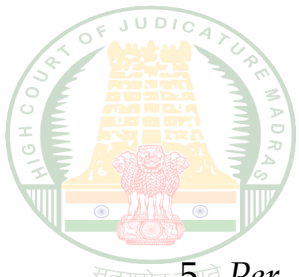
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This Criminal Original Petition has been filed by the petitioner on 17.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused Rank Not Known apprehends arrest at the hands of the respondent-police for the alleged offence punishable under Section 379 of IPC, in Crime No.790 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 03.09.2023, the defacto complainant came on his two-wheeler, namely, Hero Honda Splender+ bearing Registration No.TN-59-BM-7165 (Vidar Black Colour) to attend his friend's marriage function at Gomathi Sankar Marriage Mahal, near Pandi Kovil. After parking his two-wheeler, he went inside Mahal. But, when he returned back, he found that his two-wheeler was missing. Hence the case.

4. Mr.C.M.Mari Chelliah Prabhu, learned counsel for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution. He further submits that the respondent-police has falsely implicated the petitioner as an accused. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



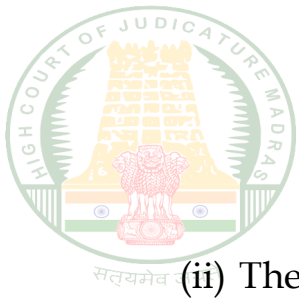
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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is a habitual offender. He further submits that there are totally 12 cases pending against the petitioner, and therefore, if pre-arrest bail is granted to the petitioner, he may commit similar offence. Hence, he opposes to grant pre-arrest bail to the petitioner.

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

7. In view of the offences allegedly committed by the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and therefore, there is less possibility of 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.VI, Madurai, within a period of 15 days from the date on which this order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum of Rs.10,000/- (Rupees Tens Thousand only) to the satisfaction of the learned Judicial Magistrate No.VI, Madurai.



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(ii) The petitioner shall appear and sign before the learned Judicial Magistrate No.II, Madurai, on all working days at 10.00 a.m., until further orders.

(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 No.VI, Madurai, shall obtain a copy of anyone of identity proofs to ensure their identity.

(iv) The petitioner shall make himself available for interrogation by the respondent-Police as and when required.

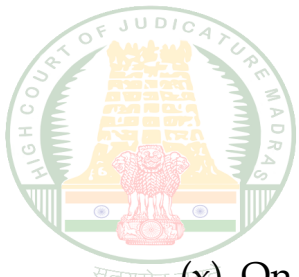
(v) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(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 furnish his residential address and mobile number to the concerned Magistrate.

(ix) The petitioner should not enter into the defacto complainant's house and workplace.



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(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves 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/-
27/03/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

To

- 1.The Judicial Magistrate No.VI, Madurai.
- 2.The Judicial Magistrate No.II,Madurai.
3. The Chief Judicial Magistrate, Madurai.
- 4.The Inspector of Police,
Mattuthavani Police Station,
Madurai City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to C.M.MARI CHELLIAH PRABHU Advocate SR.No.3617(I) DT.28.03.2025



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ORDER

IN

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Date :27/03/2025

PP/SAR. /02.05.2025/6P/7C

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