



CRL OP(MD)No.5378 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09.05.2025

PRESENT

The HONOURABLE MR. JUSTICE M.JOTHIRAMAN

CRL OP(MD)No.5378 of 2025

Senthilvel

... Petitioner

Vs

The State of Tamil Nadu,
Represented by
The Inspector of Police,
Kamuthi Police Station
Ramanathapuram District
Crime No.55 of 2025

... Respondent

For Petitioner : Mr.M.Mathan Kumar
For Respondent : Mr.B.Thanga Aravindh
Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.55 of 2025 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused No.3, who apprehends arrest at the hands of the respondent police for the offences punishable under section 316(2)& 318(4) of the Bharatiya Nyaya Sanhita (BNS), 2023 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that on 28.11.2023, the defacto complainant borrowed a loan for a sum of Rs.1,00,000/- from the first accused by mortgaged his lorry. When the defacto complainant is ready to repay the loan amount, the first accused said that the lorry is in the custody of the petitioner. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the case is purely money dispute between the defacto complainant and the first accused. The defacto complainant borrowed a loan from the first accused and mortgaged his lorry. But the petitioner did not give any money to the defacto complainant and he has not involved the above said occurrence. There is no communication and agreement between the petitioner and the defacto complainant. The petitioner's name has been falsely implicated in this case.

4. The learned counsel for the petitioner to show the bonafide of the petitioner, submitted that the petitioner is ready to deposit a sum of Rs.20,000/- to the credit of Crime No.55 of 2025 on the file of the learned Judicial Magistrate, Kamuthi, Ramanathapuram District.

5. The learned counsel appearing for the intervener/defacto complainant would submit that the defacto complainant borrowed a sum of Rs.1,00,000/- from the first accused by mortgaging his lorry. The first accused has handed over the lorry to the second accused. Thereafter, the second accused has handed over the said



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lorry to this petitioner. Now, the lorry is in the custody of the petitioner. The first
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accused has also given complaint in this regard as against this petitioner and the
same is pending. Hence, he strongly objected to grant anticipatory bail to the
petitioner.

6.The learned Government Advocate(Crl.Side) appearing for the respondent
police submits that totally there are three accused in this case. The petitioner is
arrayed as Accused No.3. All the accused persons are absconding. Interim order
already granted on condition to co-operate with the enquiry. So far, they are not co-
operated.

7. Considering the facts and circumstances of the case that the defacto
complainant has borrowed a loan for a sum of Rs.1,00,000/- from the first accused
by mortgaging his lorry and the nature of allegation levelled as against the
petitioner, this court is inclined to grant anticipatory bail to the petitioner with
certain conditions:

8. The petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty
Thousand only) to the credit of Crime No.55 of 2025 before the learned Judicial
Magistrate, Kamuthi, Ramanathapuram District. On receipt of such deposit, the
petitioner is ordered to be released on anticipatory bail in the event of arrest or on
his appearance, within a period of fifteen days from the date on which the order



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copy made ready, before the learned Judicial Magistrate Court, Kamuthi, Ramanathapuram District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity.

[b] The concerned Court is directed to deposit the said amount (Rs.20,000/-) in a Nationalised Bank in Fixed Deposit till the conclusion of trial.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by



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the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme
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Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[g] If the accused thereafter absconds, a fresh FIR can be registered under
Section 269 of BNS 2023.

sd/-
09/05/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA

TO

- 1.THE JUDICIAL MAGISTRATE COURT,
KAMUTHI, RAMANATHAPURAM DISTRICT
- 2.THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THE INSPECTOR OF POLICE,
KAMUTHI POLICE STATION
RAMANATHAPURAM DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.



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ORDER
IN
CRL OP(MD) No.5378 of 2025
Date :09/05/2025

PR/26.05 .2025 6P/5C

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