



CRL OP (MD) No.5463 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5463 of 2025

Senthilkumar,
S/o.Palanisamy,
No.62, Selva Vinayagar 2nd Street,
Now Residing at
Meenatchiyamman 11th Street,
Suryanagar,
K.Pudur, Madurai 625 007.

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Thiruppuvanam Police Station,
Sivagangai District.
Crime No.59/2025.

... Respondent/Complainant

For Petitioner : Mr.Gururamkumar. M,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



CRL OP (MD) No.5463 of 2025

PETITION FOR BAIL Under Sec.483 of BNSS

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PRAYER :- For Bail in Crime No.59 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 21.03.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner/Accused No.3 was arrested and remanded to judicial custody on 09.02.2025 for the offences punishable under Sections 316(2), 318(2), 318(4) of BNS, 2023 in Crime No.59 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that the petitioner, along with other accused persons, pledged fake jewels amounting to about 42 sovereigns in a bank and received a sum of Rs.15,72,000/-. Hence, the case.

4. Mr.M.Gururamkumar, learned counsel appearing for the petitioner, submits that the petitioner has not committed any offence as alleged by the prosecution and that a false case has been foisted against the petitioner. He further submits that the respondent-police, without conducting proper enquiry, falsely registered a case against the petitioner. He further submits that the petitioner was arrested and remanded to judicial custody on 09.02.2025 and is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner is ready



CRL OP (MD) No.5463 of 2025

WEB COPY

and willing to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam. Therefore, he prays for granting bail to the petitioner.

5. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that totally, there are three accused persons in this case and the petitioner has been arrayed as Accused No.3. He further submits that the petitioner and other accused persons obtained a loan of Rs.15,72,000/- from the bank by pledging fake jewels and cheated the bank. He further submits that if bail is granted to the petitioner, he will commit the similar offence again. Hence, he strongly opposes to grant bail to the petitioner.

6. Heard on both sides. This Court has perused the case file.

7. The petitioner was arrested and remanded to judicial custody on 09.02.2025. The petitioner has permanent residence, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and taking note of the submission made by the learned counsel for the petitioner that the petitioner is ready and willing to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to



CRL OP (MD) No.5463 of 2025

certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

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(i) The petitioner shall execute a bond for 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 District Munsif cum Judicial Magistrate, Thiruppuvanam;

(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 District Munsif cum Judicial Magistrate, Thiruppuvanam, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Thiruppuvanam;

(iv) The petitioner shall appear and sign before the Judicial Magistrate, Thiruppuvanam, weekly thrice (i.e., on Monday, Wednesday and Friday) at 10.30 a.m., until further orders;

(v) The petitioner shall deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.59 of 2025 on the file of the respondent-police, before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam. In turn, the learned



CRL OP (MD) No.5463 of 2025

WEB COPY

Judicial Magistrate shall deposit the said amount in an interest-bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.59 of 2025. The learned Judicial Magistrate/Trial Court shall pass orders qua entitlement of the said amount in its final order/judgment;

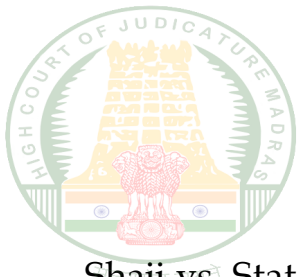
(vi) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) The petitioner shall not commit an offence similar to the offence of he is accused, or suspected, of the commission of which he is suspected;

(viii) 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 or tamper with the evidence;

(ix) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses; and

(x) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, 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.



CRL OP (MD) No.5463 of 2025

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

TSG

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
THIRUPPUVANAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, SIVAGANGAI DISTRICT.

3 THE SUPERINTENDENT,
CENTRAL PRISON, MADURAI.

4 THE SUB INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.M.GURURAMKUMAR, Advocate (SR-3785[I] dated 02/04/2025)



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CRL OP (MD) No.5463 of 2025

ORDER
IN
CRL OP(MD) No.5463 of 2025
Date :01/04/2025

SA/SAR. /02.04.2025/7P/7C

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