



CRL OP(MD). No.5447 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5447 of 2025

1. Balamurugeshwari
2. Velammal

... Petitioners/ Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Ilathur Police Station,
Tenkasi District.
Crime No.233/2024.

... Respondent/Complainant

For Petitioners : Mr. N.Mariappan
Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-38AB For Anticipatory Bail in Crime No.233/2024 on the file of the respondent - Police.



CRL OP(MD). No.5447 of 2025

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 20.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / accused apprehend arrest at the hands of the respondent police for the offences punishable under Sections 331(4), 305(a) of BNS, 2023 in Crime No.233 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners herein is said to have stolen the copper cable worth about Rs.90,000/- from the Wind Mill situated at Periyapanayangulam, where the defacto complainant was working as a Manager. Hence, the case.

4. Mr.M.Mariappan, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are 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 petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the stolen property has been



CRL OP(MD). No.5447 of 2025

recovered from the other accused. He further submits that there is one previous case pending against the petitioner. He further submits that the investigation of the case is pending and therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of offence alleged against the petitioners and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that the prooperty has been recovered and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Shencottah, 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) each 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 sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of



CRL OP(MD). No.5447 of 2025

Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 am until further orders.

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

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

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

(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(ix) The petitioners shall not enter into the defacto complainant's house or his work place.

(x) 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



CRL OP(MD). No.5447 of 2025

WEB COPY

against the petitioners 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/-
24/03/2025

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

TRP

TO

1 THE JUDICIAL MAGISTRATE
SHENCOTTAH.

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

3 THE INSPECTOR OF POLICE,
ILATHUR POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.N.MARIAPPAN, Advocate (SR-3491[I] dated 26/03/2025)



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CRL OP(MD). No.5447 of 2025

ORDER

IN

CRL OP(MD) No.5447 of 2025

Date :24/03/2025

SS/SAR- /02/05/2025/ 6P/6C

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