



CRL OP(MD). No.5513 of 2025

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

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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M. Sivaraman,,

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Sipcot Police Station,
Thoothukudi District.
(Crime No 246 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.Maheshraja K.,
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. 246 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 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant pre-arrest bail.

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2. The petitioner / Accused No.4 apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 126(2), 304(2), 140(3) and 351(3) of BNS, 2023 in Crime No.246 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 03.03.2025, at about 04.10 p.m., the defacto complainant went to the VINFAST company for discuss the tender process. Thereafter, when he left from the VINFAST company, at that time, six unknown persons had snatched the defacto complainant's cell phone and kidnapped him in a car and also criminally intimidated him. Hence, the complaint.

4. Mr.K.Maheshraja, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence, and that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court, and co-operate with the investigation. He further submits that except the petitioner herein, all other accused persons were released on bail by the concerned Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal side) appearing for the respondent-Police, submits that the petitioner along with other accused persons snatched the defacto complainant's cell phone and kidnapped



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him. He further submits that no one sustained injury. However, he submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Considering the same, and also considering the fact that except the petitioner herein, all other accused persons were enlarged on bail by the concerned Court, 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 Court 3, Thoothukudi, Thoothukudi District, 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 Court 3, Thoothukudi, Thoothukudi District,;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate Court 3, Thoothukudi, Thoothukudi

District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-police daily 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 not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate Court 3, Thoothukudi, Thoothukudi District,; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate Court 3, Thoothukudi, Thoothukudi District, or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance



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with law as if the aforementioned conditions are imposed by him as laid down by
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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/-
22/04/2025

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

vsg
TO

- 1.The learned Judicial Magistrate Court 3, Thoothukudi, Thoothukudi District.
 2. Do through the Chief Judicial Magistrate, Thoothukudi District.
 - 3.The Inspector of Police, Sipcot Police Station, Thoothukudi District.
 - 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.K.K.MAHESH RAJA, Advocate (SR-4622[I] dated 23/04/2025)

ORDER IN
CRL OP(MD) No.5513 of 2025
Date :22/04/2025

PP/20.05.2025 5P/6C

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