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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.5747 of 2025

Gunasekaran

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thanjavur West Police Station,
Thanjavur District.
Crime No.239 of 2024

... Respondent/ Complainant

For Petitioner : Mr.C.Deepakkumar

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

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

C-24B. For bail in Crime No.239 of 2024 on the file of the respondent-police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> This Criminal Original Petition has been filed by the petitioner on 25.03.2025



under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
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grant bail.

2. The petitioner/accused was arrested and remanded to judicial custody on 07.10.2024 for the alleged offences punishable under Sections 392, 120B, 395, 397 and 398 of Indian Penal Code, 1860 in Crime No.239 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 08.03.2024, when the defacto complainant, along with one Harasuram, was coming on his two-wheeler near Therkalam after selling silver articles in Pudukottai, the petitioner and other accused persons came on a two-wheeler, spread chilli powder on the defacto complainant and the said Harasuram, robbed about 7 kgs of silver articles by threatening them with a sickle, and escaped from the place of occurrence. Hence, the case.

4. Mr.C.Deepakkumar, the learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and that he has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 07.10.2024 and is ready to abide by any condition that may be imposed by this Court. He further submits that A1 to A5 were already arrested and released on bail by the Trial Court. He therefore prays to grant bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there are totally 7 accused persons in this case, and the petitioner has been arrayed as A6. He further submits that the petitioner has nine previous cases and is a history-sheeter in H.S.No.125 of 2019. He further submits that the investigation has been completed, the charge sheet has been filed, and the same was taken on file as P.R.C.No.55 of 2024 on the file of the Judicial Magistrate No.I, Thanjavur. He further submits that out of the total silver articles, 5.22 kgs have been recovered, and the remaining is yet to be recovered. He prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested on 07.10.2024 and has been in judicial custody since then. It is stated that in this case, the investigation has been completed, the charge sheet has been filed, and the same was taken on file as P.R.C.No.55 of 2024 on the file of the Judicial Magistrate No. I, Thanjavur. A1 to A5 were already arrested and released on bail by the Trial Court. 5.22 kgs of silver articles were recovered from the petitioner and other accused persons. Though the petitioner has 9 previous cases, considering the period of incarceration and the stage of the present case, this Court is of the view that the further custody of the petitioner is not necessary for the Investigation Agency in this case. Hence, this Court is inclined to grant bail to the



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

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Thanjavur;

(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 Judicial Magistrate No.I, Thanjavur shall obtain a copy of any one of identity proofs to ensure their identity;

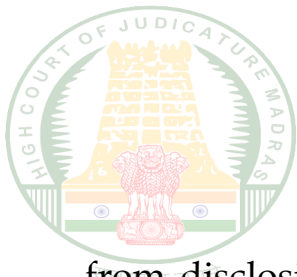
(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Thanjavur;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate No.I, Thanjavur on all working days at 10.30 a.m., until further orders;

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

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

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Thanjavur 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. 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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28 /03/2025

Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

mbi
TO

1 THE JUDICIAL MAGISTRATE NO.I, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT
AT KUMBAKONAM.



3 THE SUPERINTENDENT, CENTRAL PRISON, SALEM.

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4 THE INSPECTOR OF POLICE,
THANJAVUR WEST POLICE STATION,
THANJAVUR DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5747 of 2025
Date :27/03/2025

NBF/SAR/ (28/03/2025) 6P/6C

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