



CRL OP(MD). No.5762 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Rajesh

... Petitioner/ Accused
rank not known

Vs

The State of Tamilnadu,
Rep by the Sub Inspector of Police,
M.Pudupatti Police Station,
Virudhunagar District.
Crime No.50/2023.

... Respondent/ Complainant

For Petitioner : Ms.D. Thilagarani
Advocate for. Mr.M. Jothi Basu

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.50/2023 on the file of the respondent - Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 26.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused rank not known apprehends arrest at the hands of the respondent-police for the offences punishable under Section 379 IPC in Crime No.50 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that on on 04.03.2023, two lamps (small goats) were stolen by some unknown persons. Therefore, on 03.04.2023, at about 19.35 hours, when the defacto complainant was at the farm, with an intension to catch the thieves, the petitioner herein and other accused persons committed a theft of two other lamps (small goats). Hence, the case.

4. Ms.D.Thilagarani, the learned counsel for the petitioner, submits that the petitioner is an innocent person that he has not committed any offence as alleged by the prosecution that he has been falsely implicated in this case. She however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. She therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that A1 has already been arrested and released on bail and that the property was recovered. He further submits that



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based on the confession of A1, the petitioner herein has been arrayed as an accused and that there is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the nature of offences allegedly committed by the petitioner and that the property has been recovered from A1, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, 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 No.II, Sivakasi, Virudhunagar 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.10,000/- (Rupees Ten



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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.II, Sivakasi, Virudhunagar District.

(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.II, Sivakasi, Virudhunagar District shall obtain a copy of any one of identity proofs to ensure their identity.

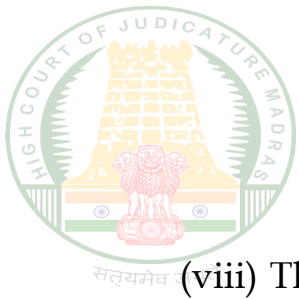
(iii) The petitioner shall appear and sign before the respondent – Police weekly once i.e., on every Monday at 10.00 am until further orders.

(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 the witnesses and shall also not tamper with the evidence.



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(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Sivakasi, Virudhunagar District 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/-
28/03/2025

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

TRP
TO

1. The Judicial Magistrate No.II, Sivakasi, Virudhunagar District
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District.



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3. The Sub Inspector of Police,
M. Pudupatti Police Station,
Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. CC to M/s.G.M.Law Office Advocate SR.No.3705 (I) DT.01.04.2025

ORDER

IN

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Date :28/03/2025

PP/SAR. /30.04.2025/6P/6C

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