



CRL OP(MD) No.6095 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Prakashraj @ Prakash

2.Hariharan

... Petitioners/ A1 & 2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Thiruppanandal Police Station,
Thanjavur District.
Crime No.25/2025

... Respondent/Complainant

For Petitioners: Mr.A.Thiyagarajan,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS



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PRAYER:-

For bail in Crime No.25 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 petitioners on 01.04.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.1 and 2 were arrested and remanded to judicial custody on 17.02.2025 for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.25 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 12.01.2025, at 01:00 p.m., the defacto complainant, after parking his two-wheeler bearing Registration No.TN-61-S-0934 at Kollidakarai, went to the field. When he returned at 03:00 p.m., he found that his two-wheeler was missing. He therefore lodged a complaint with the respondent-police. The investigation revealed that the petitioners/A1 and A2 had stolen the said two-wheeler. They were arrested on 17.02.2025.

4. Mr.A.Thiyagarajan, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution



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and that a false case has been foisted against the petitioners. He further submits that the petitioners have been in judicial custody since 17.02.2025 and are ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners stole the two-wheeler belonging to the defacto complainant. He further submits that the stolen property was recovered from the petitioners. He also submits that, apart from this case, one previous case, similar in nature, is pending against the petitioners, and therefore, if bail is granted to the petitioners, they may abscond, cause delay in the investigation proceedings, and commit similar offence. Hence, he strongly opposes to grant bail to the petitioners.

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

7. The petitioners were arrested on 17.02.2025 and have been in judicial custody since then. The petitioners have permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and taking note of the fact that stolen two-wheeler has been recovered from the petitioners, and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to



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

(i) The petitioners shall execute a bond for 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 learned District Munsif Cum Judicial Magistrate, Tiruvidaimaruthur, Thanjavur 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 District Munsif Cum Judicial Magistrate, Tiruvidaimaruthur, Thanjavur District, shall obtain a copy of any one of identity proofs to ensure their identity;

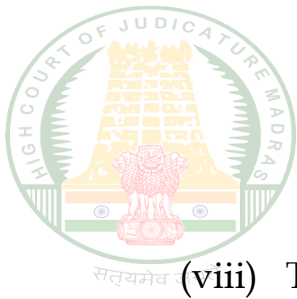
(iii) The petitioners shall furnish their residential address and mobile number to the learned District Munsif Cum Judicial Magistrate, Tiruvidaimaruthur, Thanjavur District;

(iv) The petitioners shall appear and sign before the respondent-police daily at 10.30 a.m., until further orders;

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

(vi) The petitioners shall not commit an offence similar to the offence of they are accused, or suspected, of the commission of which they are suspected;

(vii) 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 their from disclosing such facts to the Court or to any police officer or tamper with the evidence;



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

(ix) The petitioners should not enter into the house and workplace of the defacto complainant; and

(x) On breach of any of the aforementioned conditions, the learned District Munsif Cum Judicial Magistrate, Tiruvidaimaruthur, Thanjavur District, is entitled to pass appropriate orders 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/-
03/04/2025

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

vsg

To

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
TIRUVIDAIMARUTHUR,
THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.



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3.THE OFFICER-IN-CHARGE, SUB JAIL,
TIRUVIDAIMARUTHUR.

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

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

ORDER
IN

CRL OP(MD) No.6095 of 2025

Date :03/04/2025

MK/SAR /03.04.2025 6P/6C

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