

CRL.OP(MD). No.5943 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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Kasimayan

... Petitioner / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Allinagaram Police Station,
Theni District.
(Crime No.153 of 2023)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.153 of 2023 on the file of the respondent police.

For Petitioner : Mr.D.Rajaboopathy,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 27.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 380 of IPC, in Crime No.153 of 2023 on the file of the respondent-police.

3. The case of the prosecution is that, on 17.03.2023, the petitioner, along with other co-accused persons, jointly committed the theft of two goats (each weighing approximately 13 kilograms) from the de facto complainant's shed located near Jyothi Nagar Plot. Based on the complaint lodged by the de-facto complainant, the present FIR came to be registered by the respondent-police.

4. Mr.D.Rajaboopathy, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is 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 petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner along with other co-accused persons jointly committed the theft of goats. He further submits that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto



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complainant and tamper with the evidence. He therefore prays to dismiss this
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Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner is a first offender and also taking into account of the fact that the petitioner is ready to deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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, Theni, Theni 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 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, Theni, Theni 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 shall obtain a copy of any one of



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identity proofs to ensure their identity.

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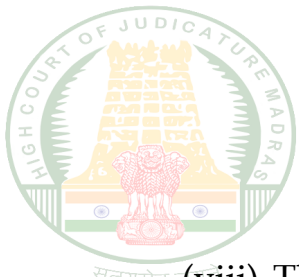
(iii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) to the credit of the Crime No.153 of 2023 on the file of the respondent-police, before the learned Judicial Magistrate, Theni, Theni District, within a period of four weeks from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.330 of 2024. The learned Judicial Magistrate or Trial Court shall pass orders qua entitlement of the said amount in its final order / Judgment.

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(v) The petitioner shall make himself available for interrogation by a police officer as and when required.

(vi) 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.

(vii) The petitioner shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.



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the Court.

(viii) The petitioner shall not leave India without the previous permission of the Court.

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(x) The petitioner shall not enter into the defacto complainant's house or his/her work place.

(xi) 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 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/-

08/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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To मेव जयते

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1.The Judicial Magistrate,
Theni,
Theni District.

2.Do Through
The Chief Judicial Magistrate,
Theni.

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

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

Order made in
CRL.OP(MD). No.5943 of 2025
08.04.2025

BV (07/05/2025) 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.