



CRL OP(MD). No.6069 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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N.Kannan

... Petitioner/ A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Pallathur Police Station,
Sivagangai District.
Crime No. 11/2020.

... Respondent/ Complainant

For Petitioner : Mr. V.R. Shanmuganathan
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2020 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 28.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner / A2, apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 454 and 380 of IPC, in Crime No.11 of 2020 on the file of the respondent-police.

3. The case for the prosecution is that A1, who is the owner of Veerammal Kali Rice Mill in Pallathur, took a loan of Rs.1,32,00,000/- from the Bank, where the defacto complainant's was working as a Chief Manager. Since the petitioner failed to repay the loan amount, the bank took the possession of the Mill, based on the formal notice under the SARFAESI Act and retained possession. In such circumstances, the petitioner herein and other other accused persons broken the northern side of Wall and took away the machineries worth about Rs.10 Lakhs. Hence, the case.

4. Mr.VR.shanmuganathan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution and that he 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. He therefore prays for grant 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 investigation of the case is not



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yet completed and therefore, at this stage, if the petitioner is granted pre-arrest bail, he may commit similar offence, cause threat to the defacto complainant and tamper with the evidence. He further submits that earlier the petitioner and A2 moved an application under Section 438 Cr.P.C., in Crl.O.P(MD).No.6062 of 2020 and the same was allowed by this Court vide order, dated 05.06.2020 *inter alia* subject to the condition that the petitioners shall deposit a sum of Rs.3,00,000/- to the deposit of crime number, but, the said condition was not able to complied by the petitioner and another and hence, he strongly opposes to allow this petition.

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

7. In view of the allegation made against the petitioner and that the petitioner is ready to deposit a sum of Rs.2,00,000/-. Further, even though the case was registered on 2020, the respondent - police, have not arrested yet, it indicates that the custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society, and 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, Karaikudi, within



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a period of 15 days from the date on which the order copy is made ready, on
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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 said Magistrate.

(ii) The petitioner shall deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs only) to the credit of Crime No.11 of 2020 before the learned Judicial Magistrate, Karaikudi, without prejudice his rights and contentions before the trial Court. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trial. The learned Judicial Magistrate / Trial Court shall pass orders qua entitlement of the amount in its final Judgment / order.

(iii) 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 identity proofs to ensure their identity.

(iv) The petitioner shall appear and sign before the respondent – Police weekly twice ie., every Monday and Friday at 10.30 am until further orders.

(v) The petitioner shall make himself available for interrogation by a police



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officer as and when required.

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(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 not leave India without the previous permission of the Court.

(viii) The petitioner shall not enter into the defacto complainant's residence or his work place.

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

(x) The petitioner shall not, directly, or indirectly, cause threat to the defacto complainant and tamper with the evidence.

(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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
02/04/2025

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30/04/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1. The Judicial Magistrate, Karaikudi,
 2. The Chief Judicial Magistrate, Sivagangai.
 3. The Inspector of Police, Pallathur Police Station, Sivagangai District.
 4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S. SHANMUGANATHAN.VR. Advocate SR.No.21951(F)
DT.03.04.2025.

ORDER IN
CRL OP(MD) No.6069 of 2025
Date :02/04/2025

PP/SAR. /02.05.2025/6P/6C

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