



CRL OP (MD) No.6436 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6436 of 2025

Thangeshwaran

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Kottampatti Police Station,
Madurai District.
Crime No.52 of 2025

... Respondent/ Complainant

For Petitioner : Mr.K.Dinesh,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.52 of 2025 on the file of the Respondent-Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 04.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.

2. The petitioner/Accused No.1 was arrested and remanded to judicial custody on 12.03.2025 for the offences punishable under Section 309(5) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.52 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that, on 11.03.2025 at about 10:05 a.m., while the defacto complainant and the workers were working at the bunk, three unknown persons came on a two-wheeler and asked for petrol. Suddenly, one of them snatched the money collection bag from a worker by showing a knife and attempted to escape from the place of occurrence. When the defacto complainant and others gave chase, the accused persons threw the money bag and fled from the scene of occurrence. Thereafter, the respondent-police arrested Accused Nos.1 and 2. Hence, the case.

4. Mr.K.Dinesh, 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 and that he has been falsely implicated in this case. He, however,



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submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the petitioner has been in judicial custody since 12.03.2025. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that on the alleged date of occurrence, the petitioner, along with other accused persons, came on a two-wheeler and snatched the money bag from a worker at the defacto complainant's petrol bunk at knife-point. He further submits that two previous cases are pending against the petitioner, both relating to offences under the Indian Penal Code. He also submits that if bail is granted to the petitioner, he will cause threat to the defacto complainant and witnesses. Accordingly, 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 12.03.2025 and has been in judicial custody since then. In view of the offence allegedly committed by the petitioner and the fact that the stolen property has been recovered from nearby the scene of occurrence, this Court is of the opinion that further custody of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence, and hence, there is less possibility of absconding. Considering the same



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and also considering the period of incarceration and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

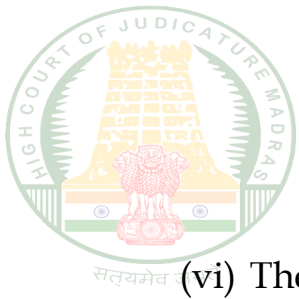
(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Melur, Madurai District;

(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, Melur, Madurai District, 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, Melur, Madurai District;

(iv) The petitioner shall appear and sign before the learned Judicial Magistrate, Melur, Madurai District, on all working days, at 10.00 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;



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(vi) The petitioner shall not commit an offence similar to the offence of 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;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Melur, Madurai 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/-
08/04/2025

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



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To

1. The Judicial Magistrate,
Melur, Madurai District.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Superintendent,
Central Prison, Madurai.
4. The Inspector of Police,
Kottampatti Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN

CRL OP(MD) No.6436 of 2025
Date :08/04/2025

MK/SAR /09.04.2025 6P/6C

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