



CRL OP(MD). No.6906 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6906 of 2025

Muthuraja

... Petitioner/ Accused No.5

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Kallal Police Station,
Sivagangai District.
(Crime No. 78 of 2025).

... Respondent/ Complainant

For Petitioner :Mr. S.M.Sanjay
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. 78 of 2025 on the file of the respondent Police.



CRL OP(MD). No.6906 of 2025

WEB COPY ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 15.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.5 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 310(4) of BNS, 2023, in Crime No.78 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on receiving a secret information, on 26.03.2025, at about 14.30 hours, the respondent - Police went to the Satharasanpatti Road to Soorampatti, at that time, the petitioner and other accused persons discussed with deadly weapons, one among them stated that there is lot of Chettiar's house is situated in the Kallal Town, without any persons, if they commit decoity, they are all enjoy the money from that occurrence. On hearing the same, the respondent - Police party surrounded and the petitioner herein escaped from the scene of occurrence. Hence, the case.

4. Mr.S.M.Sanjay, the learned counsel for the petitioner, submits that the



CRL OP(MD). No.6906 of 2025

petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and 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. Mr.S.S.Manoj, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there are totally five accused persons involved in this case and the petitioner herein is arrayed as A5. He further submits that there is one previous case pending against the petitioner. He further submits that the weapons recovered from the co-accused. He further submits that the investigation of the case is still pending and, thereafter, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that the weapons recovered from the co-accused, this Court is of the view that custodial interrogation is not necessary in this case for the investigating agency.



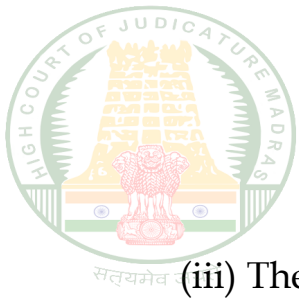
CRL OP(MD). No.6906 of 2025

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The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the cumulative circumstances of the case and with a view to give one more opportunity 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, Sivagangai District within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Karaikudi, Sivagangai 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, Karaikudi, Sivagangai District shall obtain a copy of any one of identity proofs to ensure their identity.



CRL OP(MD). No.6906 of 2025

WEB COPY

(iii) The petitioner shall appear and sign before the respondent - police daily at 10.00 am and 5.00 pm until further orders.

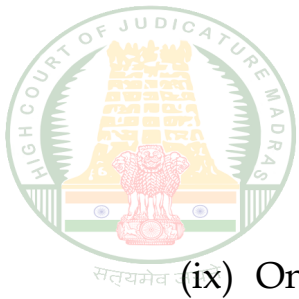
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(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 prior permission of the Court.

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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Karaikudi, Sivagangai District.



CRL OP(MD). No.6906 of 2025

WEB COPY

(ix) On breach of any of the aforementioned conditions, the the learned Judicial Magistrate, Karaikudi, Sivagangai 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/-
17/04/2025

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/05/2025

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

TRP

TO

1. The Judicial Magistrate, Karaikudi,
Sivagangai District
2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.



CRL OP(MD). No.6906 of 2025

3. The Inspector of Police,
Kallal Police Station,
Sivagangai District.

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

+1 CC to M/s.S.M.SANJAY, Advocate (SR-4495[I] dated 22/04/2025)

ORDER
IN
CRL OP(MD) No.6906 of 2025
Date :17/04/2025

VN/15.05.2025 7P/6C

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