



CRL OP(MD). No.7149 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Sanjay Ramaniklal Jain

... Petitioner/ Accused No.5

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Vigilance and Anti Corruption,
Theni,
Theni District.
Crime No. 3 of 2002.

... Respondent/Complainant

For Petitioner : Mr.K.Karansingh,
Advocate for Ms.M.Anbarasi,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023



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PRAYER :-
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To enlarge the petitioner on bail in Spl.S.C.No.12 of 2014 on the file of the learned Chief Judicial Magistrate, Theni in connection with Crime No.3 of 2002 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 16.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.5 is facing trial in Spl.S.C.No.12 of 2014 on the file of the learned Chief Judicial Magistrate, Theni in connection with Crime No.3 of 2002. The petitioner failed to appear before the trial Court on 20.02.2025. Hence, non bailable warrant was issued on 20.02.2025. Thereafter, the petitioner filed a petition under Section 317 of Cr.P.C. before the trial Court, which was not accepted. At this stage, the petitioner has filed this petition under Section 482 of BNSS, 2023 seeking pre-arrest bail

3. Mr.K.Karansingh, learned counsel appearing for the petitioner, submits that due to numerous ill-health, the petitioner was unable to appear before the trial Court on 20.02.2025 and non bailable warrant was issued against the petitioner on



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20.02.2024. He further submits that the petitioner filed a petition under Section 317 of Cr.P.C. before the trial Court and the same was dismissed. He further submits that if the petitioner surrenders before the trial Court, he may be remanded. He, however, submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

4. Per contra, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the occurrence took place in the year 2002 and for the past 23 years, the case is pending without any progress. He further submits that if pre-arrest bail is granted to the petitioner, he may abscond and thereby drag on the trial proceedings. Hence, he vehemently opposes to grant pre-arrest bail to the petitioner.

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

6. Considering the above, and considering the fact that trial is prolonged and the interest of justice, and with a view to ensure a fair trial and give one more opportunity to the petitioner to co-operate with the trial, this Court is inclined to allow the petition. Moreover, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Hence, with a view to give one more 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



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following conditions.

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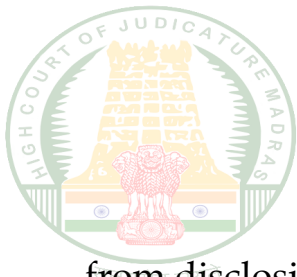
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Chief Judicial Magistrate, Theni, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 Chief Judicial Magistrate, Theni;

(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 Chief Judicial Magistrate, Theni shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the learned Chief Judicial Magistrate, Theni, on all working days at 10.30 a.m., until further orders and the petitioner is further directed to appear before the trial Court on all hearing dates without fail;

(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



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from disclosing such facts to the Court or to any police officer;

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(vi) The petitioner shall not leave India without the previous permission of the Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Chief Judicial Magistrate, Theni;

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

(ix) On breach of any of the aforementioned conditions, the learned Chief Judicial Magistrate, Theni 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].

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

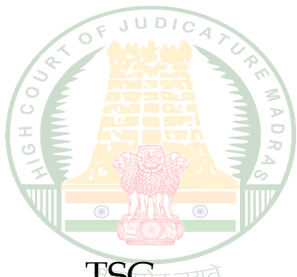
Sd/-

29/04/2025

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/06/2025

Sub Assistant Registrar
(CS - I/ II / III /IV)
Madurai Bench of Madras High Court,
Madurai.



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TSG
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TO

- 1.The Chief Judicial Magistrate, Theni.
- 2.The Inspector of Police,
Vigilance and Anti Corruption,
Theni,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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