



CRL.OP (MD) No.7157 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.7157 of 2025

Selvam

... Petitioner / Accused
[Rank Not Known]

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Tirunelveli Taluk Police Station,
Tirunelveli District.
(Crime No.32 of 2025)

... 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.32 of 2025 on the file of the respondent-police.

For Petitioner : Mr.P.Veerapandi,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.04.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the alleged offence punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.32 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 09.01.2025, the petitioner herein, in collusion with the other accused, committed theft of iron wire worth approximately Rs.5,500/- from the construction site belonging to the defacto complainant. Hence, the case.

4. Mr.P.Veerapandi, 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. He further submits that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that A1 was arrested and released on bail by the Trial Court. He further submits that



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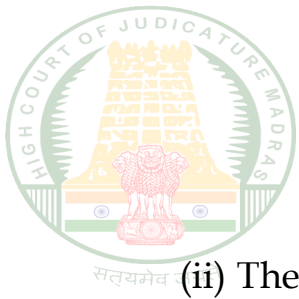
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the stolen properties have not yet been recovered. He further submits that there is no previous case against the petitioner. He contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence, and therefore, custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this petition.

6. Heard on both sides and perused the records.

7. In view of the gravity offences allegedly committed by the petitioner and the fact that there is no previous case against the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Considering the same and 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, however subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.III, Tirunelveli, 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 No.III, Tirunelveli.



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(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 identity proof of each surety to ensure their identity.

(iii) The petitioner shall deposit a sum of Rs.5,500/- (Rupees Five Thousand and Five Hundred only) to the credit of the Crime No.32 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate No.III, Tirunelveli, 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.32 of 2025. The learned Judicial Magistrate or Trial Judge 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 police 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



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dissuade them from disclosing such facts to the Court or to any police officer.

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

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

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

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Judge, 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 them 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/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.

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To सत्यमेव जयते

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- 1.The Judicial Magistrate No.III, Tirunelveli.
 - 2.Do through the Chief Judicial Magistrate,Tirunelveli.
 - 3.The Inspector of Police,Tirunelveli Taluk Police Station,Tirunelveli District.
 - 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.P.VEERAPANDI, Advocate (SR-5037[I] dated 29/04/2025)

ORDER IN
CRL OP(MD) No.7157 of 2025
Date :28/04/2025

PP/28.05.2025 6P/6C

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