



CRL OP (MD) No.7318 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.7318 of 2025

1. Kanagasubramani

2. Madhukutty

... Petitioners/ A1 & A2

Vs.

The State of Tamil Nadu
Rep. by the Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
Crime No.94 of 2025

... Respondent/Complainant

For Petitioner : Mr.P.Veerapandi,
Advocate

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

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For Bail in Crime No.94 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 petitioners on 21.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioners/Accused Nos.1 and 2 were arrested and remanded to judicial custody on 07.03.2025 for the alleged offences punishable under Sections 316(2) and 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.94 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is a wholesaler of paddy. On 20.02.2025, the defacto complainant transported 354 bundles of paddy, worth about Rs.5,84,100/-, through the lorry driven by the first petitioner (A1) and owned by the second petitioner (A2), to one of his customers. However, without delivering the same, the petitioners committed theft of those bundles of paddy. Hence, the case.

4. Mr.P.Veerapandi, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been in judicial custody since 07.03.2025 and are ready to abide by any conditions that may be imposed by this Court. He therefore prays for granting bail to the petitioner.



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5. *Per contra*, Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the first petitioner is the driver and

the second petitioner is the owner of the lorry. He further submits that the petitioners have committed theft 354 bundles of paddy belonging to the defacto complainant. He further submits that if bail is granted to the petitioners, they may abscond and delay the investigation proceedings. He further submits that the petitioners have no previous cases. However, he vehemently opposes to grant bail to the petitioners.

6. Heard on both sides and perused the records.

7. The petitioners were arrested on 07.03.2025 and have been in judicial custody since then. It is seen that the alleged occurrence took place on 20.02.2025. The defacto complainant filed a complaint on 07.03.2025 i.e., after the delay of 15 days. It appears that there is a business transaction between the second petitioner, the defacto complainant and the co-accused (A3). Considering the offences allegedly committed by the petitioners and also considering the period of incarceration, this Court is of the opinion that further custody of the petitioners is not necessary in this case. Further, the petitioners have permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of bail to the petitioners, however, subject to certain conditions.



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Accordingly, bail is granted to the petitioners subject to the following conditions:

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(i) The petitioners shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Ilayangudi, 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 District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District;

(iv) The petitioners shall appear and sign before the respondent-police daily at 10.30 a.m., until further orders;

(v) The petitioners shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioners shall not commit an offence similar to the offence of which they are accused, or suspected, of the commission of which they are suspected;

(vii) The petitioners shall not directly or indirectly make any inducement, threat



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or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer or tamper with the evidence;

(viii) The petitioners shall not directly or indirectly cause any threat to the defacto complainant and also the witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate, Ilayangudi, Sivagangai District, is entitled to pass appropriate orders against the petitioners 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 stands allowed subject to the conditions stated *supra*.

sd/-
28/04/2025

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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

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1. The District Munsif cum Judicial Magistrate,
Ilayangudi, Sivagangai District.
 2. Do-Through The Chief Judicial Magistrate,
Sivagangai District.
 3. The officer-in-charge,
Sub Jail, Sivagangai.
 4. The Inspector of Police,
Ilayankudi Police Station,
Sivagangai District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- +1. CC to P.VEERAPANDI Advocate SR.No.5036(I) DT.29.04.2025

ORDER IN
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Date :28/04/2025

PP/SAR. /30.04.2025/6P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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