



CRL OP(MD). No.7589 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7589 of 2025

V.Thiruneelakandan

... Petitioner/ Accused Rank Not Known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Keelathuval Police Station,
Ramanathapuram District.
Crime No.143 of 2024

... Respondent/ Complainant

For Petitioner : Mr.A.Anandha Prakash

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

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

PRAYER :-

For Anticipatory Bail in Crime No.143 of 2024 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 23.04.2025
under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 191(2), 191(3), 49 and 103(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.143 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that there was a previous enmity between the deceased and Accused No.1 and the deceased murdered one of the relatives of Accused No.1. Hence, as a retaliation, Accused No.1 along with the other accused persons attacked the deceased with deadly weapons and caused his death. The overt act against the petitioner is that at the instigation of the petitioner, other accused caused the death of the deceased. Hence, the case.

4. Mr.A.Anandha Prakash, learned counsel appearing for the petitioner submits that the petitioner did not commit 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. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the investigation completed and charge sheet filed before the concerned Court on 12.12.2024. He further submits that



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the investigation agency filed deletion report *qua* A10 and the case is now in PRC stage. He further submits that the petitioner has no previous case. However, in view of the nature of offence committed by the accused persons, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. To be noted, co-accused was granted pre-arrest bail by this Court vide order dated 31.01.2025 in CrI.O.P.(MD)No.2070 of 2025 and the paragraph No.5 of the order reads as follows.

"5. Taking into consideration the facts and circumstances of the case and considering the fact that the investigation is almost complete and the co-accused persons have been released on bail and the respondent Police did not deem it fit to arrest the petitioner even after the earlier anticipatory bail petition was dismissed by this Court by an order dated 02.12.2024 and the investigation has been completed and there are no previous cases against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions."

8. In view of the facts and circumstances and considering the fact that the co-accused has been granted pre-arrest bail by this Court and taking note of the fact that charge sheet has been filed before the concerned Court on 12.12.2024 and the case is now in PRC stage, this Court is of the view that custodial interrogation of the



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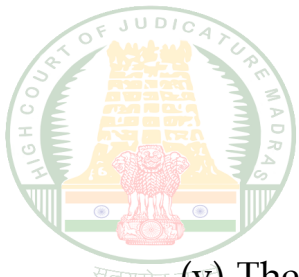
petitioner is not necessary for the investigation agency. Further, the petitioner is a first offender. Hence, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Mudhukulathur, 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, Mudhukulathur;

(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 of identity proofs to ensure their identity;

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

(iv) 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;



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Court;

(v) The petitioner shall not leave India without the previous permission of the

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m. until further orders;

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

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

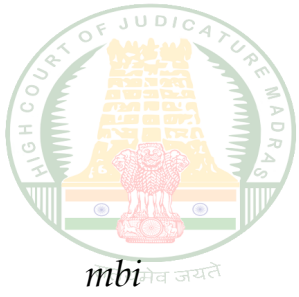
(xi) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-
25/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1.The Judicial Magistrate, Mudhukulathur.
 2. Do through the Chief Judicial Magistrate, Ramanathapuram.
 - 3.The Inspector of Police, Keelathuval Police Station, Ramanathapuram District.
 - 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.D.PRITHIVIRAJ, Advocate (SR-4900[I] dated 28/04/2025)

ORDER
IN
CRL OP(MD) No.7589 of 2025
Date :25/04/2025

PP/20.05.2025 6P/6C

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