



CRL OP(MD). No.7964 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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Vivekraja

... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Mattuthavani Police Station,
Madurai District.
(In Crime No.995 of 2024)

... Respondent/ Complainant

For Petitioner : Mr.B.Arun,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.995/2024 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 petitioner on 25.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused (rank not known) apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of BNS, 2023 in Crime No.995 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 23.12.2024, while the defacto complainant was parking his vehicle viz., Yamaha R15 Red with Grey colour bearing Registration No.TN-65 AJ 3492 near the canteen and went to work in the Mattuthavani Fruit Market, the accused committed theft of the said motorcycle. Hence, the case

4. Mr.B.Arun, 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, and that he has been falsely implicated in this case. 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.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are 13 previous cases pending against the petitioner, all cases are similar in nature. He further submits



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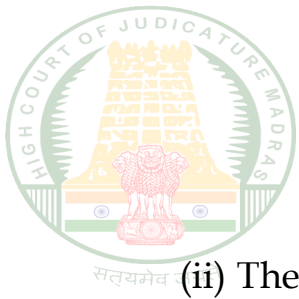
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that if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant. He further submits that the property (bike) has been recovered from the petitioner herein. Hence, he vehemently opposes to grant pre-arrest bail to the petitioner.

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

7. Considering the facts and circumstances of the case, this Court is of the view that since the stolen property has been recovered from the accused person, custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding, 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 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 VI, Madurai, 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 VI, Madurai;



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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 VI, Madurai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the respondent-Police daily at 09.00 a.m., 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 previous permission of the Court;

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

(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 Judicial Magistrate VI, Madurai or Trial Court, as the case may be, is entitled to pass



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appropriate orders against the petitioner in accordance with law as if the
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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/-

29/04/2025

// True Copy //

/2025

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

TSG

TO

1.The Judicial Magistrate VI, Madurai.

2.Do Through
The Chief Judicial Magistrate,
Madurai.

3. The Inspector of Police,
Mattuthavani Police Station,
Madurai District.



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

+1 CC to M/s.B.ARUN, Advocate (SR-5099[I] dated 30/04/2025)

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Date : 29/04/2025

KVL/26.05.2025 6P/6C

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