



CRL OP(MD). No.8995 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.8995 of 2025

Abdul Mustak,
S/o.Abdul Khaleel

... Petitioner/ Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.
(Crime No.26 of 2012)

... Respondent/ Complainant

For Petitioner : Mr.B.Arun,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER:-

For Anticipatory Bail in Crime No.26 of 2012 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 379 of IPC in Crime No.26 of 2012 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 14.03.2012, while the de-facto complainant was at a temple, the accused stole gold jewels from her. Hence, the present case.

3. The learned counsel for the petitioner submitted that this case pertains to the year 2012. A charge sheet has already been filed in C.C.No.91 of 2016 on the file of the learned Principal District Munsif-cum-Judicial Magistrate, Tirupathur. The properties have already been recovered. He submitted that a Non-Bailable Warrant (NBW) was issued against the petitioner on 27.06.2019. He further submitted that the petitioner is now willing to appear before the trial Court for all future hearings without fail. However, if the petitioner surrenders before the trial Court, he may be



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remanded to judicial custody. Hence, he seeks anticipatory bail to the petitioner.

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4. The learned Government Advocate (Criminal Side) submitted that there are totally two accused persons in this case and the petitioner has been arrayed as A2. There is one previous case registered against the petitioner. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the petitioner. However, the petitioner is directed to surrender before the trial Court and file a petition under Section 70(2) of the Cr.P.C. (72(2) of BNSS) to recall the Non-Bailable Warrant issued against him. Upon such filing, the trial Court is directed to consider the petition on the same day and pass appropriate orders on merits.

6. Accordingly, this Criminal Original Petition is disposed of.

sd/-
25/06/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

mkn

TO

1.The Principal District Munsif – cum - Judicial Magistrate,

Tirupathur

<https://www.himq.tn.gov.in/judis>



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2. Do Through The Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Nachiyapuram Police Station,
Sivagangai District.

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

+1 CC to M/s.B.ARUN, Advocate (SR-6797[I] dated 26/06/2025)

ORDER
IN

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Date :25/06/2025

HPS/14.07.2025 /4P/6C

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