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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.22899 of 2024

&

CrI.M.P.(MD)No.68 of 2025

Marimuthu

... Petitioner/sole accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nagudi Police Station,
Pudukkottai District.
Crime No.279 of 2024

... Respondent/Complainant

For Petitioner : Mrs.D.Saranya
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (CrI.Side)
For Intervenor : Mr.K.Dinesh

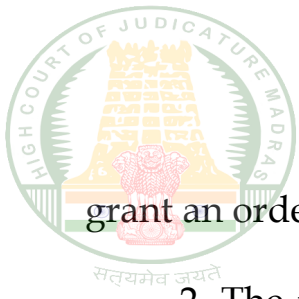
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.279 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 24.12.2024 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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 329(3), 324(4) and 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.279 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 23.11.2024, the petitioner cut the eucalyptus trees from the defacto complainant's land without her knowledge and removed the same. The value of the trees is about Rs.5,00,000/-. Hence, the case.

4. Mrs.D.Saranya, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against him. She however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, she 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 petitioner illegally removed the trees from the land that belongs to the defacto complainant. He further submits that investigation is yet to be completed. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that petitioner has no bad antecedents and has permanent residence and deep roots in the Society, there is less possibility of absconding. Considering the same and the nature of the offences allegedly



committed by the petitioner and with a view to give an 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:

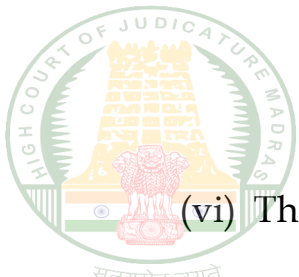
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Aranthangi, Pudukkottai District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (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, Aranthangi, Pudukkottai 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 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;

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



(vi) Thereafter, the petitioner shall appear and sign before the respondent-

Police daily at 10.00 a.m. until further orders;

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

(viii) The petitioner shall not enter into the land comprised in S.Nos.172-19H, 173-1C and 173-3B at Veeraragavapuram Village;

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

(x) 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].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*. Consequently, connected Miscellaneous Petition is closed.

Sd/-

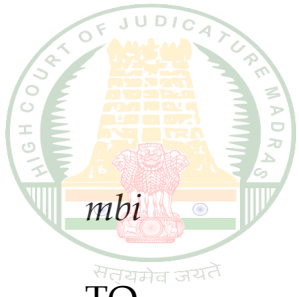
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Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.



TO
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1 THE JUDICIAL MAGISTRATE, ARANTHANGI, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, NAGUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.22899 of 2024

Date :26/03/2025

RS (17/04/2025) 5P/ 5C

Madurai Bench of Madras High Court is issuing
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