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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.1562 of 2025

Joshva @ Yeshva

... Petitioner / Accused No.3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Nithiravilai Police Station,
Kanyakumari District.
(Crime No.15 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.15 of 2025 on the file of the respondent police.

For Petitioner : Mr.N.Edwin Jeyakumar

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate
(Criminal Side)



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 271, 272 and 123 of BNS, 2023, in Crime No.15 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 08.01.2025 at about 4.00 a.m, based on the secret information by the respondent-police, a police team intercepted a vehicle in which the petitioner, along with other accused persons, was transporting waste food from Kerala to be dumped in Tamil Nadu, wherein, A1 is the owner of the vehicle and A2 is the driver. Hence, the case.

4. Mr.N.Edwin Jeyakumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the co-accused were arrested and granted



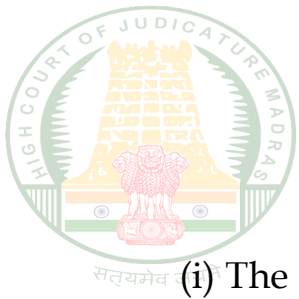
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bail by this Court and that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays to grant of pre-arrest bail to the petitioner.

5. Per contra, Mr. K. Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the investigation in this case has been completed, and a charge sheet has been filed in C.C. No. 81 of 2025 before the learned Judicial Magistrate No. II, Kuzhithurai. Further, he contends that if the petitioner is granted pre-arrest bail, there is a possibility of committing him similar offences in future. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. Considering the nature of offence alleged against the petitioner and considering the fact that investigation in this case has been completed, and a charge sheet has been filed in C.C. No. 81 of 2025 before the learned Judicial Magistrate No. II, Kuzhithurai and that the co-accused have already been released on bail by this Court, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.



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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Kuzhithurai, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Kuzhithurai.

(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) Thereafter, the petitioner shall appear and sign before the learned Judicial Magistrate No.II, Kuzhithurai on all working days at 10.30 a.m. until further orders.

(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial 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
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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/-
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
NITHIRAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

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



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ORDER

IN

CRL OP(MD) No.1562 of 2025

Date :10/02/2025

NBF / SKN /SAR-IV (19/02/2025) 6P/5C

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