



CRL.OP(MD). No.1566 of 2025

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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.1566 of 2025

1.Vijin @ Bijin S Sam

2.Sebin Kumar

... Petitioners / Accused Nos.8&9

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
(Crime No.17 of 2025)

... Respondent / Complainant

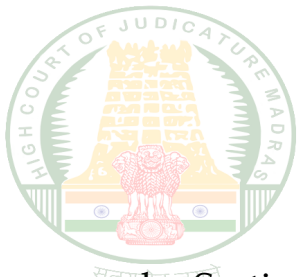
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.17 of 2025 on the file of the respondent-police.

For Petitioners : Mr.N.Edwin Jeyakumar, Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 24.01.2025



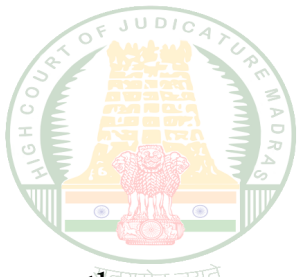
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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
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grant an order of pre-arrest bail.

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.17 of 2025 on the file of the respondent police.

3. The case of the prosecution is that, based on complaints continuously received by the police from the general public, on 09.01.2025, at 12:00 p.m., the police were conducting a vehicle check-up near Yamuna Theatre at Panachamoodu. At that time, the police found that A1 to A7 were transporting food waste and chicken waste collected at Kerala, which could cause health hazards to the public, in three vehicles, i.e., Tata Ultra T7 bearing Registration No.TN-74-BE-2954, Maruthi Suzuki Super Carriage bearing Registration No.KL-19-N-0516 and Isuzu ZT54SM (SML Samrat OS) bearing Registration No.KL-11-BJ-0673, for dumping it in an area with no human traffic. The police seized all the vehicles. Hence, the complaint. Based on their confession, the petitioners have been arrayed as A8 and A9, who are said to be the owners of the Maruthi Suzuki Super Carriage bearing Registration No.KL-19-N-0516 and Isuzu ZT54SM (SML Samrat OS) bearing Registration No.KL-11-BJ-0673. Hence,

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



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the case.
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4. Mr.N.Edwin Jeyakumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submits that the co-accused were arrested and granted bail by the Trial Court and that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays to grant of pre-arrest bail to the petitioners.

5. Per contra, Mr. K. Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally 11 accused persons in this case and the petitioners have been arrayed as Accused Nos.8 and 9. He further submits that there are no previous cases against the petitioners. However, he contends that if the petitioners are granted pre-arrest bail, there is possibility of committing them similar offences in future. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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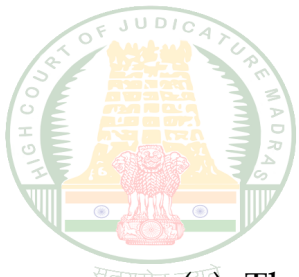
7. Considering the nature of offence alleged against the petitioners and considering the fact that already co-accused were granted bail by the Trial Court and there are no previous cases against the petitioners, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Kuzhithorai, 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) each 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.I, Kuzhithorai.

(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 petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

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



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(v) The petitioners 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 petitioners in accordance with law as if the 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.

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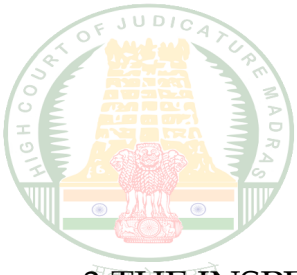
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1.THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.

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



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

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

ORDER
IN

CRL OP(MD) No.1566 of 2025

Date :10/02/2025

RK/SKN/ SAR- 4 (19/02/2025) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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