



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2283 of 2025

Manikuttan @ Kamalraj

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu
rep by The Inspector of Police,
Kaliakkavilai Police Station,
Kanyakumari District.
(Crime No.25 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482
of the BHARATIYA NAGARIK SURAKSHA SANHITA, 2023
praying to grant pre-arrest bail to the petitioner in Crime No.25 of
2025 on the file of the respondent-police.

For Petitioner : Mr.M.Dhinesh Kumar

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



petitioner on 03.02.2025 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 126
(2), 296(b), 115(2), 351(2) of BNS and Section 3 of the Tamil Nadu
Public Property (Prevention of Damage and Loss) Act, 1992, in
Crime No.25 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 15.01.2025 at about
7.15 p.m., the petitioner along with other accused person
intercepted the defacto complainant's Tipper vehicle and
demanded a sum of Rs.50,000/- from him. When the same was
refused, the accused persons attacked the defacto complainant
and broke the front glass of the vehicle and threatened him with
dire consequences.

4. Mr.M.Dhinesh Kumar, 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 petitioner is willing to abide by any
conditions imposed by this Court. He therefore prays to grant 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 there are totally 3 accused persons in this case and the petitioner has been arrayed as Accused No.1. He further submits that there are no previous cases against the petitioner. However, he submits that, if the petitioner is released on pre-arrest bail, there is a possibility of committing the similar offence in future. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the nature of the offence alleged against the petitioner and considering the fact that the petitioner did not cause any injury to the petitioner and also with a view to give one more opportunity to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(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.I, Kuzhithurai, Kanyakumari District, 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.I, Kuzhithurai, Kanyakumari 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 deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of the Crime No.25 of 2025 on the file of the respondent police, before the learned Judicial Magistrate Court No.I, Kuzhithurai, Kanyakumari District. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the



case in Crime No.25 of 2025.

(iv) Thereafter, the petitioner shall appear before the respondent police as and when required for interrogation.

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

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

(vii) 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 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.I,
KUZHITHURAI,
KANYAKUMARI DISTRICT.

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

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

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

ORDER
IN

CRL OP(MD) No.2283 of 2025
Date :05/02/2025

NBF / SAR- (18/02/2025) 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in
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