



CRL.OP(MD). No.2441 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2441 of 2025

Anilkumar

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kaliyakavilai Police Station,
Kanyakumari District.
(Crime No.350 of 2024)

... 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.350 of 2024 on the file of the respondent police.

For Petitioner : Mr.A.Balakrishnan, 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 petitioner on 05.02.2025 under Section 482 of the 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 335, 340(2), 303(2), 318(4) of BNS, 2023, in Crime No.350 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 09.10.2024 at about 6.40 a.m., when the respondent police on patrolling duty at Padanthalumoodu Check Post, they found a tipper lorry bearing Reg.No.TN75 AV7839. The accused persons illegally transported gravel stones from Tirunelveli to Kerala by using fake pass. Thereafter, the respondent-police seized the vehicle and arrested the accused persons. At the time when the respondent-police reached the police station along with the vehicle and the accused persons, the accused escaped from the respondent-police and took the seized vehicle by using a duplicate key and went to Kerala. Hence, the case.

4. Mr.A.Balakrishnan, 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 only the driver of the vehicle and that he is ready to abide by any conditions to be imposed by this Court.

Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as Accused No.1. He further submits that Accused No. 2 was arrested and later released on bail. The said accused escaped from the respondent-police and also took the vehicle using a duplicate key and fled to Kerala. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of the offence alleged against the petitioner and considering the fact that there are no previous cases against the petitioner and Accused No.2 was already been released on bail and that the petitioner is a first offender and with a view to give an opportunity to the petitioner 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, within a period of 15 days from date on which the order copy is made ready, on



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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 No.I, 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 respondent-police on every Monday and Friday at 10.00 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



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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/-
07/02/2025

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/02/2025
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.

3.THE INSPECTOR OF POLICE,
KALIYAKAVILAI 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.2441 of 2025
Date :07/02/2025

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

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