



CRL OP(MD). No.2359 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2359 of 2025

Rijo

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Marthandam Police Station,
Kanniyakumari District.
Crime No. 64 / 2025

... Respondent/Complainant

For Petitioner : Mr.Sivakumar
Advocate.

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PRAYER :-

For Anticipatory bail in Crime No.64 of 2025 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 04.02.2025



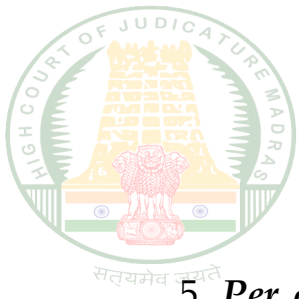
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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant pre-arrest bail.

2. The petitioner / accused No.1, apprehends arrest at the hands of the respondent-Police for the offence punishable under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023 in Crime No.64 of 2025, on the file of the respondent police, seeks bail.

3. The case of the prosecution is that on 13.01.2025, when the respondent-Police was on patrol duty, they found that the petitioner herein was illegally excavating and transporting 28 Tons of "M" sand in a Lorry bearing Regn.No.TN 75 AA 4080. Hence, the case.

4. Mr.S,Sivakumar, 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 and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that there are 14 previous cases pending against the petitioner, which are similar in nature. Hence, he strongly opposes to grant pre-arrest bail to the petitioner.

6. Heard both sides and perused the records.

7. In view of the fact that the petitioner has four previous cases, which are also similar in nature, it is clear that the petitioner is a habitual offender. Therefore, this Court is of the view that if the petitioner is released on pre-arrest bail, he will commit the similar offence again. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-

17/02/2025

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/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

TRP

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

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1 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-1795[I] dated 18/02/2025)

ORDER
IN

CRL OP(MD) No.2359 of 2025

Date :17/02/2025

SS/VR/SAR- /05/03/2025/ 4P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023