

CRL.OP (MD) No.2750 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.2750 of 2025

Murugan

... Petitioner / Accused Rank Not Known

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.120 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.120 of 2025 on the file of the respondent-police.

For Petitioner : Mr.C.Susikumar,
Advocate

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 12.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



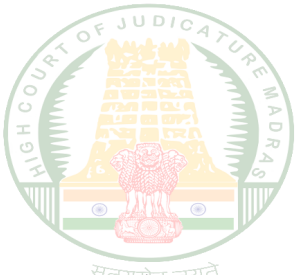
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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 303(2), 336(2), 336(3), 340(2), 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023, and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.120 of 2025 on the file of the respondent- police.

3. The case of the prosecution is that the defacto complainant is serving as an Assistant Geologist in the Department of Geology and Mining, Tirunelveli. On 31.01.2025, he, along with other deputed officers, was engaged in a vehicle check, during which they intercepted an Ashok Leyland lorry bearing Registration No. TN-72-CY-2977. Upon stopping the lorry and verifying the trip sheet, they found evidence of overwriting. During the enquiry, it came to light that the 1st accused had used a forged trip sheet to transport 2 units of M-Sand. Consequently, the vehicle and the M-Sand were seized. Based on the above allegations, an FIR was registered.

4. Mr.C.Susikumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated



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in this case. He further submits that two days prior to the occurrence, the petitioner sold the vehicle and that without conducting any proper enquiry, the petitioner has been implicated. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant of pre-arrest bail.

5. *Per contra*, Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent-police, submits that the investigation agency recovered the trip sheet in question. He further submits that in this case the driver was arrested and recovered the alleged trip sheet in question. He further contends that if pre-arrest bail is granted to the petitioner, he will abscond and tamper with the evidence, and therefore, custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this petition.

6. Heard on both sides and perused the records.

7. In view of the offences allegedly committed by the petitioner and the fact that the alleged trip sheets have been recovered from the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the



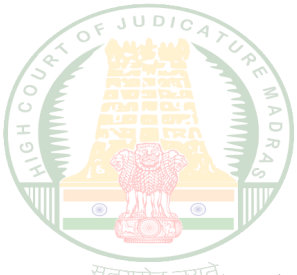
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Investigating Agency in this case. Considering the same and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner, however subject to the following 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, Valliyoor, within a period of 15 days from the 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, Valliyoor.

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



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(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

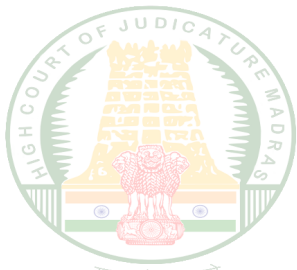
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

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

(vii) The petitioner shall not leave India without the previous permission of the Court.

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

(ix) 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/-
22/04/2025

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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1 THE JUDICIAL MAGISTRATE
VALLIYOOR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-4656[I] dated 23/04/2025)



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ORDER
IN
CRL OP(MD) No.2750 of 2025
Date :22/04/2025

SS/SAR- /26/05/2025/ 7P/6C

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