



CRL OP(MD). No.3105 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Samuel Bright

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Suchindram Police Station,
Kanyakumari District.
(Crime No. 694 of 2020).

... Respondent/Complainant

For Petitioner : Mr.K.Althaf Sheriff
for M/s. Ajmal Associates.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest or surrender in a Non-Bailable Warrant issued on 17.11.2022 in PRC. No. 91 of 2022 in Crime No. 694 of 2020 on the file of Judicial Magistrate No.III, Nagercoil and thus render justice.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 17.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 279 of IPC and Section 3 (1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.694 of 2020 on the file of the respondent-police.

3. The case of the prosecution is that on 12.09.2020, at about 1.00 a.m., the petitioner crashed his vehicle bearing registration No.TN-75-M-5465 into a transformer at Kulathuvilai, thereby causing damage to the transformer. The petitioner caused a loss of Rs.5,00,000/- to the TNEB. Hence, this case.

4. Mr.K.Althaf Sheriff, the learned counsel for the petitioner, submits that the pre-arrest bail was granted to the petitioner by the learned Principal Sessions Judge, Kanyakumari District at Nagercoil, in Crl.M.P.No.4234 of 2020 on 16.10.2020.



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Thereafter, on 03.06.2022, he went to abroad and returned back to India on 22.01.2025.

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In the meantime, NBW was issued against the petitioner on 17.11.2022 in PRC No.91 of 2022 by the learned Judicial Magistrate No.III, Nagercoil. However, the petitioner did not know the factum of issuance of NBW. He further submits that the petitioner apprehends that the respondent-police will execute the warrant and hence, he filed this petition. He further submits that the petitioner is ready to abide by the conditions that may be imposed by this Court. Accordingly, he prays to grant pre-arrest bail to the petitioner.

5. In response to the above submissions, the learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that NBW was issued on 17.11.2022. Till date, the petitioner did not take any steps to recall the warrant issued in PRC No.91 of 2022. Accordingly, he opposes to grant an order of pre-arrest bail.

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

7. The petitioner has produced a copy of the passport. A perusal of the passport reveals the fact that the petitioner went to Saudi Arabia and he was not available in

India between the period 03.06.2022 and 22.01.2025. NBW was issued on 17.11.2022.



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Hence, this Court is of the considered view that the apprehension of the petitioner is quite reasonable. Therefore, this Court is inclined to grant pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.III, Nagercoil, 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 No.III, Nagercoil;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police twice a week i.e., on every Monday and Friday at 10.00 a.m., until further orders;

(iii) 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 No.III, Nagercoil, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall file a petition to recall the warrant before the learned Judicial Magistrate No.III, Nagercoil;



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(v) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.III, Nagercoil;

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

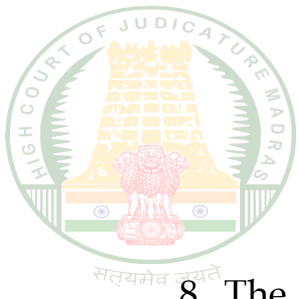
(vii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(viii) The petitioner shall not leave India without previous permission of the Court;

(ix) The petitioner shall appear on all hearing dates when the Court requires his appearance;

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

(xi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Nagercoil, 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].



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8. The learned Judicial Magistrate No.III, Nagercoil, shall consider the recall petition to be filed by the petitioner, as per law.

9. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-

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/03/2025

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

APD

TO

1 THE JUDICIAL MAGISTRATE-III
NAGERCOIL

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

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

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-1872[I] dated 20/02/2025)



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ORDER

IN

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Date :19/02/2025

SS/SKN/SAR- /04/03/2025/ 7P/6C

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