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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3355 of 2025

A.Santhana Kumar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
The Sub Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Crime No.407 of 2024

... Respondent/ Complainant

For Petitioner : Mr.Sabeer Mohamed.I, Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.407 of 2024 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 19.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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 Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) and 24(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.407 of 2024 on the file of the respondent-police.

3. This is second pre-arrest bail application. The first pre-arrest application filed in CrI.O.P.(MD)No.92 of 2025 was allowed by this Court on 06.01.2025 subject to certain conditions. Since, the petitioner failed to surrender and produce surety as ordered by this Court, the said pre-arrest bail order stood dismissed automatically. Hence, the present petition is filed seeking pre-arrest bail for the second time.

4. Mr.Sabeer Mohamed.I, learned counsel appearing for the petitioner, submits that the petitioner was not able to execute surety as per the pre-arrest bail order made



in Crl.O.P.(MD)No.92 of 2025 dated 06.01.2025. Hence, the petitioner has come up with this second pre-arrest bail petition. He further submits that since the petitioner was earlier granted pre-arrest bail by this Court, this Court may give a chance to the petitioner by granting pre-arrest bail to him. He also submits that the petitioner is law abiding citizen and he is ready to abide by any condition imposed by this Court.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that earlier, though this Court granted pre-arrest bail to the petitioner, the petitioner failed to comply with the conditions imposed on him. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that this Court had earlier granted pre-arrest bail to the petitioner, the conditions for which it could not be complied with by the petitioner due to his inability and also considering the facts and circumstances of the case and with a view to give one more opportunity to the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:



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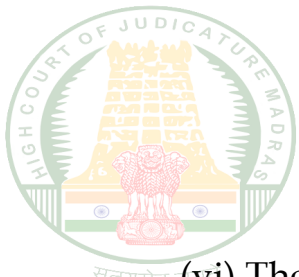
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (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.II, Kovilpatti, Thoothukudi 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 make himself available for interrogation by a police officer as and when required;

(iv) 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;

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



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(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.30 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District;

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

(ix) On breach of any of the aforementioned conditions, concerned 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 them 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/-
21/02/2025

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/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI, THOOTHUKUDI DISTRICT.
 - 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
 - 3 THE SUB INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.I.SABEER MOHAMED, Advocate (SR-1992[I] dated 24/02/2025)

ORDER
IN

CRL OP(MD) No.3355 of 2025
Date :21/02/2025

ES/SKN/SAR/10.03.2025/6P/6C

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