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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.3311 of 2025

George Rajan

... Petitioner/ Accused No.4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kotticodu Police Station,
Kanyakumari District.
Crime No.47 of 2025

... Respondent/ Complainant

For Petitioner : Mr.A.Balakrishnan, 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.47 of 2025 on the file of the respondent-police.



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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 Sections 303(2), 337 and 340(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.47 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 14.02.2025 at about 01.30 p.m., during routine vehicle check up, near Chithirancodu Check Post, the officials from the respondent-Police Station stopped a lorry bearing Registration No.TN 72 BD 3142 and on enquiry, they found that the petitioner and other accused persons transported 12 units of M-sand worth about Rs.16,000/- by correcting 12 units in the place of 6 units on the transit pass. Hence, the case.



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4. Mr.A.Balakrishnan, learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and he did not commit any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide by any conditions imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner / A4 is the owner of quarry. He further submits that the petitioner and other accused persons transported 12 units of sand in a tipper lorry illegally without any valid transit pass. He further submits that the petitioner has one previous case, which is similar in nature. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the above and nature of the offences alleged against the petitioner 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 subject to the following conditions:

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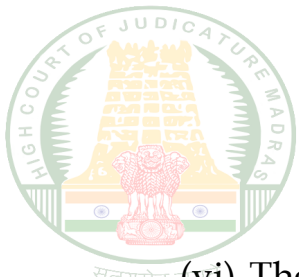
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Padmanabapuram, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) along with two sureties each for a like sum of Rs.1,00,000/- (Rupees One Lakh Only) to the satisfaction of the learned Judicial Magistrate No.I, Padmanabapuram;

(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 learned Judicial Magistrate No.I, Padmanabapuram on all working days 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.I, Padmanabapuram;

(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.I,
PADMANABAPURAM.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KOTTICODU POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.3311 of 2025

Date :21/02/2025

ES/SKN/SAR /03.03.2025/6P/5C

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