



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3579 of 2025

C.Suresh,
S/o. Chandran,
D.No. 12/319,
Vadakankulam,
Perungudi Village,
Radhapuram Taluk,
Thirunelveli.

... Petitioner/ Accused

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Radhapuram Police Station,
Tirunelveli District.
(Crime No. 35 of 2025).

... Respondent/ Complainant

For Petitioner : Ms.B.Bhuvaneshvari, Advocate
for Mr.Ganesan A,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



PRAYER :-

WEB COPY

For Anticipatory Bail in Crime No. 35 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 21.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 271, 272, 280, 287 of BNS, 2023 and Section 15(1) of Environment Protection Act, 1986 and Section 4 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.35 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 17.01.2025 at about 04.00 p.m., the petitioner herein has misused the nearby piece of Government-owned land by burning pig waste and plastic, causing environmental hazard. Based on the complaint given by the Block Development Officer, on 18.01.2025, at about 11.00 a.m., the respondent Police inspected the said land and confirmed that the petitioner had committed crime. Hence the case.



WEB COPY

4. Ms.B.Bhuvaneshvari, 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. She further submits that the petitioner has leased out his property to one Senthilmurugan on 28.11.2024 and after that, he is not in possession of the property, which is said to be the nearby Government land. She further submits that the said Senthilmurugan is running a pig farm in the said land and therefore, the petitioner is unaware of the above fact and he is no way connected with the crime. She however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. She therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent Police, submits that the custodial interrogation of the petitioner may be required in this case. He further submits that if the petitioner is granted pre-arrest bail, he will cause harm to the environment. Accordingly, he prays to dismiss this Criminal Original Petition.



WEB COPY

6. Heard on both sides. This Court has perused the records, including the copy of the lease deed produced by the learned counsel for the petitioner.

7. In view of the said lease deed and the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the facts and circumstances of the case and hence, with a view to give an 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.

(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, Radhapuram, Tirunelveli District within a period of 15 days from 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, Radhapuram, Tirunelveli District;



WEB COPY

(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, Radhapuram, Tirunelveli District 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 weekly once (i.e., on Monday) at 10.00 a.m. until further orders;

(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 not leave India without the previous permission of the Court;

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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Radhapuram, Tirunelveli District; and



WEB COPY

(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 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/-
26/02/2025

/ TRUE COPY /

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

tsg

TO

1 THE JUDICIAL MAGISTRATE
RADHAPURAM, TIRUNELVELI DISTRICT.

2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.



3 THE INSPECTOR OF POLICE,
RADHAPURAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.A.GANESAN, Advocate (SR-2165[I] dated 27/02/2025)

ORDER IN
CRL OP(MD) No.3579 of 2025
Date :26/02/2025

ES/SKN/SAR/19.03.2025/7P/6C

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