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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3674 of 2025

1.Baluchamy

2.Rajasekaran

3.Karthick ... Petitioners / **(***) Accused Rank No.1, 2 and 4**

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime No.**(*)17 of 2025**) ... Respondent / Complainant

Radha Krishnan ... Petitioner /Defact Complainant
in Crl.M.P(MD).No.2818/2025

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 petitioners in Crime No.**(*)17 of 2025** on the file of the respondent-police.

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For Petitioners : Mr.CN.Tamizharasan, Advocate

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

For Intervener : Mr.T.Pon Ramkumar, Advocate

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 24.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent police for the offence punishable under Sections 49, 126(2), 137(2), 296(b), 115(2) and 351(3) of BNS, 2023 altered into Sections **(**) 49, 126(2), 137(2), 296(b), 115(2), 351(3) and 109 of BNS, 2023,** in Crime No.**(*)17 of 2025** on the file of the respondent-police.

3. The case of the prosecution is that certain individuals in the locality were engaged in illegal sand mining. The defacto complainant has lodged complaint against these petitioners regarding these illegal activities committing by them to the respondent-police and the revenue authorities. Due to the vengeance, on 20.02.2025 at about 10.30 a.m., the petitioners and other accused persons are said to have

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abducted the defacto complainant in a car bearing Reg.No.TN-63-BU-0709, assaulted him, attempted to commit murder, and threatened with dire consequences. Hence, the case.

4. Mr.CN.Tamizharasan, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that no injury was sustained at the time occurrence. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have been arrayed as A1, A2 and A4. He further submits that A1 has 6 previous cases, A2 has 1 previous case and A4 has 4 previous cases. He further submits that if pre-arrest bail is granted to the petitioners, they will commit similar type of offence and may cause threat to the defacto complainant and tamper with the evidence. Hence, custodial interrogation of the petitioners is necessary. Accordingly, he prays to dismiss this Criminal Original Petition.

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

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7. On perusal of records, it reveals that A1 has 6 previous cases, A2 has 1 previous case and A4 has 4 previous cases. Therefore, if an order of pre-arrest bail is granted to the petitioners, they will cause threat to the defacto complainant and tamper with the evidence. Considering the nature of the offence alleged by the petitioners and taking note the previous cases against the petitioners, this Court is of the considered opinion that custodial interrogation of the petitioners is absolutely necessary in this case to unearth the truth. Hence, this Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
03/03/2025

(*) (**) (***) Amended as per order of the Court dated 03.03.2025 in Crl.M.P(MD).No.2832 of 2025 in Crl.O.P(MD).No.3674 of 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 INSPECTOR OF POLICE,
SALAIGRAMAM POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.CN.TAMIZHARASAN, Advocate (SR-2431[I] dated 05/03/2025)

ORDER
IN
CRL OP(MD) No.3674 of 2025
Date :03/03/2025

ES/SKN/SAR/18.03.2025/5P/4C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.

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