



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CrI.O.P.(MD)No.3738 of 2025

Suresh

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu,
Represented by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.475 of 2024)

... Respondent / Complainant

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
petitioner in Crime No.475 of 2024 on the file of the respondent- police.

For Petitioner : Mr.P.Sonu

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



WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025 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 Section 303(2) of BNS, 2023, in Crime No.475 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that on 12.12.2024, at about 14.30 hours, when the respondent-police were conducting regular vehicle check-up, they intercepted a lorry bearing Registration No.TN-75-AZ-8247 on Melpuram Marthandam Road. On enquiry, the police found that the accused persons were transporting 38,700 tons of Red sand beyond the limit of 28,000 tons permitted by the authorities. Thus, the respondent-police herein seized the vehicle and arrested the 1st accused. Based on the confession of A1, the petitioner has been arrayed as an accused. Hence, the case.

4. Mr.P.Sonu, the learned counsel for the petitioner, submits that the petitioner



WEB COPY

is an innocent person, and he has not committed any offence as alleged by the prosecution, and a false has been foisted against this petitioner. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Therefore, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioner. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the witnesses and commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. Further, 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 fact that the 1st Accused was arrested and released on bail and the facts and circumstances of the case and taking note of the fact that there are no previous cases



WEB COPY

against the petitioner and 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 No.I, Kuzhithurai, 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.I, Kuzhithurai.

(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 appear and sign before the respondent-police daily at 10.00 a.m. until further orders.



WEB COPY

(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, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioner shall not leave India without the previous permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(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
WEB COPY
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/-
03/03/2025

/ TRUE COPY /

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

RJR
TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI
DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
MARTHANDAM POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.3738 of 2025
Date :03/03/2025



NBF / SKN / SAR- (19/03/2025) 7P/5C

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