



CRL OP(MD). No.3749 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3749 of 2025

Manikandan

... Petitioner/ Accused
rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.

Crime No. 95/2025.

... Respondent/Complainant

(amended as per order of this Court, dated 07.03.2025 in
Crl.M.P(MD).No.3103 of 2025)

For Petitioner : Mr. C. Susikumar
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.95 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 25.02.2025



CRL OP(MD). No.3749 of 2025

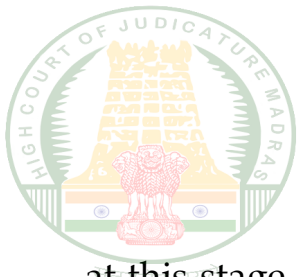
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to
WEB COPY
grant an order of pre-arrest bail.

2. The petitioner / Accused, apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of BNS, 2023, in Crime No.95 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.12.2024 the petitioner and other accused persons from Achankulam used a JCB to illegally excavated soil and cut trees from his vacant land (S.Nos.117/3, 117/4 and 117/5) near Mandaram Pudur. Hence, the case.

4. Mr.C.Susikumar, 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. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, M.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally four accused involved in this case and they have illegally excavated and transported 8 units of red sand from patta land. He further submits that there is no previous case pending against the petitioner and the investigation of the case is still pending and therefore,



CRL OP(MD). No.3749 of 2025

at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of this case that the case has been registered solely based on suspicion of the defacto complainant, further the petitioner has no previous criminal antecedents, the 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 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, Kanyakumari, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand



CRL OP(MD). No.3749 of 2025

only) to the credit of Crime No.95 of 2025 before the learned Judicial Magistrate No.I, Kanyakumari, without prejudice his rights and contentions before the trial Court. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trial. The learned Judicial Magistrate / Trial Court shall pass orders qua entitlement of the amount in its final Judgment / order.

(iii) 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.

(iv) The petitioner shall appear and sign before the respondent - Police daily at 10.00 am until further orders.

(v) The petitioner shall make himself available for interrogation by a police officer as and when required.

(vi) 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.

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



WEB COPY

(viii) The petitioner shall not enter into the defacto complainant's residence or his work place.

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

(x) The petitioner shall not, directly, or indirectly, cause threat to the defacto complainant and tamper with the evidence.

(xi) 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].

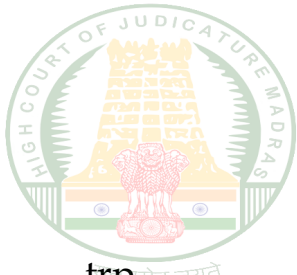
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
02/04/2025

/ TRUE COPY /

/04/2025

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



CRL OP(MD). No.3749 of 2025

trp
TO
WEB COPY

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

ORDER
IN
CRL OP(MD) No.3749 of 2025
Date :02/04/2025

NBF/SAR/ (29/04/2025) 6P/5C

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