



CRL.OP(MD). No.3795 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3795 of 2025

1.P.Chandra Babu

2.C.Ambika

... Petitioners / Accused Nos.2 & 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kotticode Police Station,
Kanyakumari District.
(Crime No.50 of 2025)

... 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 petitioners in Crime No.50 of 2025 on the file of the respondent-police.

For Petitioners : Mr.B.Brijesh Kishore,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 26.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.50 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.02.2025 at about 2:00 a.m., while the Special Sub-Inspector of Police along with his team, was conducting regular vehicle checkup at Chithiramcode Police Check Post on Kulasekharam to Thuckalay Road, they intercepted a vehicle bearing Registration No. TN-75-AP-8599, an Ashok Leyland Tipper Taurus belonging to the petitioner herein. The vehicle was driven by A1 and was found to be loaded with 3 square meters of Blue Metals worth about Rs.6000/- in excess of the 6 square meters permitted by the Assistant Director of Mines, allegedly at the instigation of the proprietor of SKS Blue Metals and the 2nd petitioner herein. Consequently the vehicle was seized and the driver/A1 was arrested. Hence, the case.

4. Mr.B.Brijesh Kishore, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged



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by the prosecution and a false case has been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they will commit similar type of offence and cause damage to environmental ecology. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence, the quantity of *blue metals* allegedly transported by the accused persons and taking note of the fact that there are no previous cases against the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to



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grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Padmanabhapuram, 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) each 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, Padmanabhapuram.

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

(iv) The second petitioner shall appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 a.m. until further orders.



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

(vi) The petitioners 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 petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(viii) The petitioners shall not leave India without the previous permission of the Court.

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

(x) 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 petitioners 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]*.



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

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28/02/2025

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

PAL

TO

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

+1 CC to M/s.B.BRIJESH KISHORE, Advocate (SR-2287[I] dated 03/03/2025)



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ORDER
IN
CRL OP(MD) No.3795 of 2025
Date :28/02/2025

SS/SKN/SAR- /13/03/2025/ 7P/6C

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