

CRL.OP(MD). No.3924 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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Sreeja Kumar

... Petitioner / Accused No.3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kotticodu Police Station,
Kanniyakumari District.
(Crime No.47 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 petitioner in Crime No.47 of 2025 on the file of the respondent police.

For Petitioner : Mr.A.Balakrishnan,
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 petitioner on 27.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2), 337, 340(2) of BNS, 2023 and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.47 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 14.02.2025 at about 01.30 p.m., when the respondent-police was on regular vehicle checkup near Chithirancodu Check Post, they found one tipper lorry bearing Reg.No.TN-72-BD-3142. On enquiry, they found that the accused persons illegally transported 12 units of *M-sand* by changing the trip sheet permit as 6 units instead of 3 units. The respondent-police seized the vehicle along with *M-sand*. Hence, the complaint.

4. Mr.A.Balakrishnan, 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. He however submits that the petitioner is 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 petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally four accused persons in this case and the petitioner has been arrayed as A3. He further submits



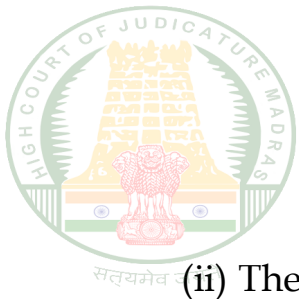
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that there are no previous cases against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he will commit similar offence and tamper with the evidence. He therefore prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also taking into account of the fact that the petitioner is ready to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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, Padmanabapuram, 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, Padmanabapuram.



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(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 deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of the Crime No.47 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate No.I, Padmanabapuram., within a period of four weeks from the date on which the order copy is made ready. In turn, the learned Judicial Magistrate shall deposit the said amount in a nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.47 of 2025.

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 a.m. 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 also not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence.

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

(ix) The petitioner shall furnish his 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 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

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/03/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

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To

1.The Judicial Magistrate No.I,
Padmanabapuram.

<https://www.mhc.tn.gov.in/judis>



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2.Do Through

The Chief Judicial Magistrate,
Kanyakumari.

3.The Inspector of Police,
Kotticodu Police Station,
Kanniyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
CRL.OP(MD). No.3924 of 2025
03.03.2025

BV (18/03/2025) 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.