



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3958 of 2025

1.Manikandan

2.Pugalenthi @ Kavın

... Petitioners / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Salaigramam Police Station,
Sivagangai District.
(Crime No.17 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.17 of 2025 on the file of the respondent-police.

For Petitioners : Mr.C.Senthil Murugan,
Advocate

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



ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 27.02.2025 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 offences punishable under Sections 296(b), 109, 118(1) and 351(3) 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 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.C.Senthil Murugan, 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,



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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 there are totally 5 accused persons in this case and the petitioners have been arrayed as A5 and A3. He further submits that the respondent- police filed an alteration report in this case against the accused persons for the alleged offence punishable under Sections 49, 126(2), 137(2), 296(b), 115(2), 351(3) and 109 of BNS, 2023. He further submits that A5 has 1 previous case and A3 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 and therefore, custodial interrogation of the petitioners is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. On perusal of records, it reveals that the first petitioner has 1 previous case and the second petitioner has 4 previous cases. Therefore, this Court is of the view that 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. Therefore, 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.

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8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
03/03/2025

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/03/2025
Sub-Assistant Registrar (CS-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.

ORDER
IN
CRL OP(MD) No.3958 of 2025
Date :03/03/2025

NBF / SKN /SAR- (18/03/2025) 4P/3C

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