



CRL OP(MD). No.3988 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Manoj

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No.350 of 2024

... Respondent/ Complainant

For Petitioner : Mr.P.Sonu

For Respondent : Mr.R.Meenakshi Sundaram,
Additional Government Pleader

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.350 of 2024 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 28.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.



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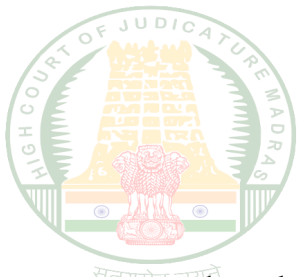
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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 335, 340(2), 303(2) and 318(4) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.350 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 09.10.2024, at about 07.00 a.m., during regular vehicle check up, the respondent-Police stopped a tipper lorry bearing Registration No.TN 75 AV 7839 on Nagercoil - Trivandrum National Highways and on enquiry, they found that the accused persons were illegally transporting 56,490 kgs of gravel stone to Kerala using forged transit pass for sale of it at higher price. During the enquiry, the accused persons escaped in the said vehicle using another key. Hence, the case.

4. Mr.P.Sonu, learned counsel appearing for the petitioner submits that the petitioner did not commit 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. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.R.Meenakashi Sundaram, learned Additional Government Pleader, appearing for the respondent-police, submits that the accused persons illegally transported 56,490 kgs of gravel stones to Kerala, to sell them at higher



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price, thereby causing great loss to the Government. He further submits that the
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petitioner has no previous case. However, he 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 and therefore, there is less possibility of absconding. Considering the above, and also considering the nature of the offences alleged against the petitioner, and taking note of the fact that the petitioner is first offender, 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.1, 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.1, 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

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



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Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

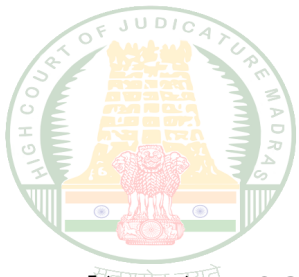
(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.1, Kuzhithurai;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, concerned 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 them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala



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[(2005) 13 SCC 283].

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

sd/-
04.03.2025

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

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TO

1.The Judicial Magistrate No.1,
Kuzhithurai.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil

3.The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.

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

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Date : 04.03.2025

SL(21.03.2025)/ 5P/ 5C

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

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