



CRL.OP(MD). No.4870 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4870 of 2025

Rajesh

... Petitioner/Sole Accused

Vs.

State of Tamil Nadu
rep by the Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.
Crime No.151 of 2025

... Respondent /Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to enlarge the petitioner /sole accused on bail in the event of his arrest by the respondent-police in Crime No.151 of 2025 on the file of the Inspector of Police, Thuckalay Police Station, Kanyakumari District.

For Petitioner : Mr.R.L.Dhilipan Pandian

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 13.03.2025



CRL.OP(MD). No.4870 of 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.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offences punishable under Sections 132 and 351(2) of BNS, 2023 and Section 3(1) of Tamil nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.151 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 09.02.2025, the petitioner illegally trespassed into Thiruvithancode Irrigation Canal at Vayakkarai, damaged the embankments, and dumped debris from an old building into the canal, obstructing the water flow and disrupting government work. When the officials intervened the same, the petitioner assured them that the damaged area would be restored by 10.02.2025. However, the petitioner failed to do so. Hence, the complaint.

4. Mr.R.L.Dhilipan Pandian, learned counsel for the petitioner, submits that the petitioner restored the canal to its original position. He further submits that the petitioner had no intention to damage the canal. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, on instructions, confirms that the



CRL.OP(MD). No.4870 of 2025

petitioner restored the canal to its original position. However, he prays to dismiss
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this criminal original petition.

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

7. In view of the fact that the petitioner has restored the canal to its original position, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the same, and also considering the facts and circumstances of the case, 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, Padmanabhapuram, 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 learned Judicial Magistrate No.I, Padmanabhapuram, Kanyakumari District.

(ii) The sureties shall affix their photographs and left thumb impression in the



CRL.OP(MD). No.4870 of 2025

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 appear and sign before the respondent-police weekly once i.e., on every Monday at 10.00 am., until further orders.

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

(v) 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.

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

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

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

(ix) 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



CRL.OP(MD). No.4870 of 2025

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.

sd/-
17/03/2025

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/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMK
TO

1 THE JUDICIAL MAGISTRATE NO I
PADMANABHAPURAM,
KANYAKUMARI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT @ NAGERCOIL.

3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-3074[I] dated 19/03/2025)



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CRL.OP(MD). No.4870 of 2025

ORDER

IN

CRL OP(MD) No.4870 of 2025

Date :17/03/2025

HPS/SAR / 02.04.2025/6P/6C

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