



CRL OP(MD). No.5023 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.5023 of 2025

1. Xavier Ignatius

2. Rejish Kumar

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(In Crime No. 127 of 2025).

... Respondent/ Complainant

For Petitioners : Mr.Anto Prince G,

Advocate

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 127 of 2025 on the file of the respondent-
Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 17.03.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

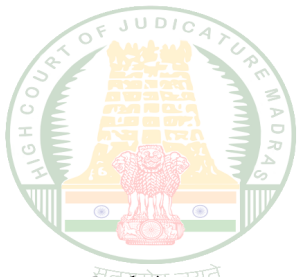
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2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.127 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.02.2025 at about 08.00 a.m., based on the secret information, the respondent-police were patrolling to prevent the theft of sand near Nallur Brahmanikavilai. At that time, the police found that the petitioners have illegally transported two units of gravel sand by using two tempo vehicles bearing Registration No.TN-38-AD-9736 and TN-75-F-3556 without any valid license or permission. On seeing the Police, the petitioners fled from the place leaving the vehicles behind. The Police seized the same. Hence, the case.

4. Mr.G.Anto Prince, 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, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He further submits that the petitioners are willing to deposit some amount to the Green Committee, Kanyakumari District. He therefore prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal



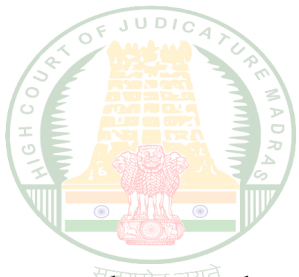
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Side) appearing for the respondent-police, submits that the petitioners have illegally transported two units of gravel sand by using two tempo vehicles bearing Registration No.TN-38-AD-9736 and TN-75-F-3556 without any valid license or permission. He further submits that there are seven previous cases against the first petitioner, out of which two cases are similar in nature and there are two previous cases pending against the second petitioner, out of which one case is similar in nature. 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 and therefore, there is less possibility for absconding. Considering the same, and also considering the quantity of gravel sand allegedly transported by the petitioners, and considering the undertaking given by the petitioners that they are willing to deposit some amount to the Green Committee, Kanyakumari District, and with a view to give one more opportunity to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate I, Kuzhithurai, Kanyakumari District, 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



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Thousand only)
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each 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 I, Kuzhithurai, Kanyakumari District,;

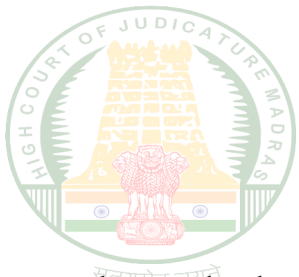
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate I, Kuzhithurai, Kanyakumari District, shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(iv) The first petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the District Green Committee, Kanyakumari District, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate I, Kuzhithurai, Kanyakumari District, within a period of 15 days from the date of receipt of copy of the order.

(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



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dissuade them from disclosing such facts to the Court or to any police officer;

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(vii) The petitioners shall not leave India without the previous permission of the Court;

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate I, Kuzhithurai, Kanyakumari District;

(ix) The petitioners shall not, directly or indirectly, cause any threat to the witnesses and shall not tamper the evidence; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate I, Kuzhithurai, Kanyakumari District, or Trial Judge, 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 them 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/-

29/04/2025

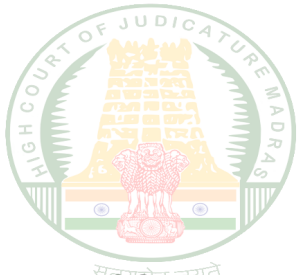
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Sub-Assistant Registrar

(C.S.I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.



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TO

- 1.The Judicial Magistrate I, Kuzhithurai,
Kanyakumari District.
- 2.Do Through
The Chief Judicial Magistrate,
Kanyakumari District.
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-5049[I] dated 29/04/2025)

ORDER
IN

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Date : 29/04/2025

BV(27/05/2025) 6P/ 6C

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