



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5324 of 2025

K.Suresh Kumar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
Athoor Police Station,
Athoor,
Thoothukudi.
Crime No.1 of 2025

... Respondent/ Complainant

For Petitioner : Mr.N.Pragalathan
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For pre-arrest bail in Crime No.1 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 petitioner on 19.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/ A1 apprehends arrest at the hands of the respondent-Police



for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 in

Crime No.1 of 2025 on the file of the respondent-police

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3. The case of the prosecution is that based on the secret information, on 04.01.2025, at about 3.00 a.m., the defacto complainant, the Sub-Inspector of Police, along with his team, was conducting an inspection at the Thamirabarani River bed, where they found that the accused persons were filling river sand into bags. On seeing the police, they attempted to flee. However, the police apprehended A2 and A3, while the petitioner (A1) fled the scene, leaving behind his two-wheeler, bearing registration No.TN-92-J-3961. The police seized the vehicle and 30 bags of river sand worth about Rs.6,000/-. Based on the confessions of A2 and A3, the petitioner arrayed as A1. Hence, this case.

4. Mr.N.Pragalathan, learned counsel appearing for the petitioner, submits that this is the second pre-arrest bail application filed by the petitioner. He further submits that the petitioner is innocent and the petitioner has nothing to do with the alleged offence. He further submits that only based on the confessions of the co-accused persons/A2 and A3, the petitioner has been falsely implicated in this case. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant an order of pre-arrest bail.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that the previous pre-arrest bail application filed by the petitioner in Crl.O.P.(MD) No.2314 of 2025 was dismissed by



this Court on 06.02.2025 on merits on the ground that the petitioner has seven previous cases, out of which three cases are similar in nature and now, there is no change of circumstances between 06.02.2025 and 18.03.2025. Hence, he prays to dismiss this Criminal Original Petition.

6. Heard both sides and perused the records.

7. This Court specifically questioned the learned counsel for the petitioner regarding the change of circumstances in this case. However, the learned counsel for the petitioner is unable to state anything about the change of circumstances. Hence, this Court is of the view that without any change of circumstance, the successive pre-arrest bail application is not maintainable. Therefore, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Hence, this Criminal Original Petition stands dismissed.

Sd/-

21.03.2025

// True Copy //

/04/2025

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

Madurai Bench of Madras High Court,
Madurai.

apd

TO

1 THE INSPECTOR OF POLICE, ATHOOR POLICE STATION,
ATHOOR, THOOTHUKUDI DISTRICT.



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

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ORDER
IN

CRL OP(MD) No.5324 of 2025

Date :21/03/2025

RS (16/04/2025) 4P/ 3C

Madurai Bench of Madras High Court is issuing
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