



CRL OP(MD). No.5330 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Andrews,
S/o Anthoniyarpicha,
Poippalivilakam,
Pozhiyoor Post,
Thiruvananthapuram District.

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kuzhithurai Police Station,
CSCID, Madurai.
Crime No. 257/2024

... Respondent/Complainant

For Petitioner : Mr.Selvakumaran.T,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER:-

For Anticipatory Bail in Crime No.257 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 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 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 17 of the Tamil Nadu Kerosene (Regulation of Trade) Order 1973 r/w section 7(1)(a)(ii) of the Essential Commodities Act, 1955 in Crime No.257 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 05.11.2024, at about 10.30 p.m., near Kannanagam Junction, the defacto complainant, who is the Sub-Inspector of Police, along with his police team, was conducting a vehicle check-up. During the inspection, the driver of the vehicle bearing Registration No.KL-19-G-8699 did not stop the vehicle and fled away. Subsequently, the respondent-Police chased and intercepted the vehicle and discovered that accused persons were transporting 1800



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litres white kerosene, worth about Rs.54,000/- and travelling for fishing in the State of Kerala. Thereafter, the respondent-Police seized the Kerosene and the alleged vehicle from the accused persons. The allegation against the petitioner is that the petitioner herein is the owner of the alleged vehicle. Hence, the complaint.

4. Mr.T.Selvakumaran, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioner. However, he further submits that he is ready to abide by any conditions to be imposed by this Court. He further submits that the petitioner is the owner of the alleged vehicle and it has been released by the respondent-Police. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there is no previous case against the petitioner. He further submits that the alleged kerosene and the vehicle have been seized by the respondent-Police. He further submits that the accused persons were transporting 1800 litres of subsidized white kerosene, which is meant for Tamil Nadu Government Fishermen to the State of Kerala and selling it in higher price. Hence, he vehemently opposes the grant of pre-arrest bail to the petitioner.



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6. Heard the learned counsel on either side and 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. Taking note of the fact that the alleged quantity of kerosene has been seized from the vehicle of the petitioner by the respondent-Police, and also considering the fact that the petitioner has no previous antecedent and he is a mere owner of the vehicle, and with a view to give an opportunity to the petitioner to reform himself in the society, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate III, Nagercoil within a period of fifteen 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 III, Nagercoil;

(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 III, Nagercoil, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent-Police daily at

10.00 a.m., until further orders;

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

(v) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate III, Nagercoil;

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

(vii) 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;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate III, Nagercoil 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 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/-
21/03/2025

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

TSG

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
NAGERCOIL.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANNIYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
KUZHITHURAI POLICE STATION,
CSCID MADURAI
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.T.SELVAKUMARAN, Advocate (SR-3321[I] dated 24/03/2025)



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ORDER
IN
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Date :21/03/2025

SS/SAR- /17/04/2025/ 7P/6C

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