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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

CRL OP(MD). No.5309 of 2025

Michel @ Micheal

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
Crime No.162 of 2025.

... Respondent/Complainant

For Petitioner	:	Mr.B.P.Raghavan
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.162 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 Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.2 apprehends 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.162 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 15.03.2025, at about 12.00 p.m., when the defacto complainant, the Special Sub-Inspector of Police, along with his team, were on surveillance near Thamirabarani riverbed, the other accused persons/A1 and A3 were illegally excavating and transporting three units of coarse sand in CAT vehicle, bearing registration No.TN-72-BK-3018 and shed the same in a brick klin owned by the petitioner/A2. The petitioner was watching the movement of police in his TVS Zest, bearing registration No.TN-72-CA-5860. On seeing the police, the petitioner and other accused person/A1 fled from the place of occurrence leaving behind the vehicles and A3. Based on the confession of A3, the petitioner has been arrayed as A2. Hence, this case.

4. Mr.B.P.Raghavan, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. However, he submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing



for the respondent-Police, submits that the petitioner and other accused persons were illegally excavating and transporting three units of coarse sand and the co-accused persons/A1 and A3 were arrested by the respondent-police. He further submits that the petitioner has no previous case. He however submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offence. Hence, 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. Hence, there is less possibility of absconding. The petitioner has no previous case. Considering the same and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner, 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.III, Tirunelveli, 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.III, Tirunelveli;

(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 No.III, Tirunelveli shall obtain a

copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.III, Tirunelveli;

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

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

(vi) 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;

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

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.III, Tirunelveli, 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].



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

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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 JUDICIAL MAGISTRATE NO.III, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, SEEVALAPERI POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5309 of 2025

Date :21/03/2025

RS (16/04/2025) 5P/ 5C

Madurai Bench of Madras High Court is issuing
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