



CRL OP(MD). No.5483 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Jebin,
S/o. Christhuraj,
Thumba Vilai,
Navalcadu,
Kanyakumari District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Sub-Inspector of Police,
Kottar Police Station,
Kanyakumari District.
(Crime No. 11 of 2025)

... Respondent/Complainant

For Petitioner : Mr.SC.Herold Singh,
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. 11 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 21.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 269 of BNS in Crime No.11 of 2025, on the file of the respondent-Police.

3. The petitioner is working as a Nayak in the Indian Army. He is facing trial in S.C. No. 354 of 2023 on the file of the learned Principal Assistant Sessions Judge, Nagercoil, for the offences punishable under Sections 294(b), 307, 323, 341, and 506(ii) of the IPC in connection with Crime No.281 of 2022. Since the petitioner failed to appear before the trial court on 14.11.2024, a non-bailable warrant was issued against him. During the pendency of the non-bailable warrant, the respondent-police registered a case in Crime No. 11 of 2025 for the offences punishable under Section 269 of the BNS, 2023.



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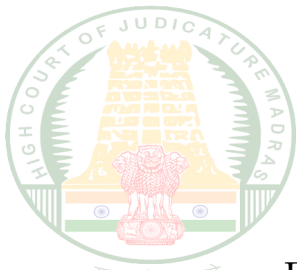
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4. Mr.S.C.Herold Singh, learned counsel appearing for the petitioner, submits that the petitioner is working as a Nayak in the Indian Army at Pune. Hence, he engaged an advocate to file the necessary application before the trial court, when the case was posted. However, the said Advocate failed to appear, and as a result, a non-bailable warrant was issued against the petitioner on 14.11.2024. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court and that the respondent-police are trying to arrest the petitioner. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. In response to the above said submission, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that if pre-arrest bail is granted to the petitioner, he may abscond and thereby, cause further delay in the trial proceedings. Hence, he vehemently opposes to grant pre-arrest bail to the petitioner.

6. Heard the learned counsel on either side and this Court has perused the records.

7. The petitioner is working as a Nayak in the Indian Army, due to non-appearance of the petitioner, the present FIR has been registered. In view of the same, this Court is of the opinion that custodial interrogation of the petitioner is not



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necessary. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same, and with a view to fully adhering the principles of natural justice and ensuring a fair trial and also 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate II, Nagercoil, 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 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 II, Nagercoil, 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 II, Nagercoil, Kanyakumari District shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall appear and sign before the learned Principal Sessions Judge, Nagercoil, weekly twice (i.e., on Monday and Friday) at 10.00 a.m., until



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further orders;

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(iv) 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 the previous permission of the Court;

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

(ix) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate II, Nagercoil, Kanyakumari District; and

(x) 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



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against the petitioner in accordance with law as if the aforementioned conditions are
WEB COPY 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.

sd/-
25/03/2025

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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 PRINCIPAL SESSIONS JUDGE, NAGERCOIL.
- 2.THE JUDICIAL MAGISTRATE II, NAGERCOIL,
KANYAKUMARI DISTRICT.
3. DO -THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
4. THE SUB-INSPECTOR OF POLICE,
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT.



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

+1. CC to SC.HEROLD SINGH Advocate SR.No.3530(I) DT.27.03.2025

ORDER
IN
CRL OP(MD) No.5483 of 2025
Date :25/03/2025

PP//SAR-(21.04.2025) 7P 6C
Madurai Bench of Madras High Court is issuing
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