



CRL OP(MD). No.6135 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6135 of 2025

1. N Sasikumar
2. Sasikala Sam Raj

... Petitioners/ A1 and A3

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
Karungal Police Station,
Kanniyakumari District.
Cr.No.161 of 2025.

... Respondent/ Complainant

For Petitioners : Mr.Shiva Sankar
Advocate.

For Respondent : Mr.S.S.Manoj
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.161 of 2025 on the file of the respondent – police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 01.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / A1 and A3 apprehend arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.161 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the petitioners have illegally set up a quarry on S.No.303/4, 325/18,, 628/19 and 625/20 at Kapppiyarai Village and also without getting prior permission from the authorities engaged in purchasing and selling M sand and Jelly (crushed stoens) at a storage depot. Hence, the case.

4. Mr.Shiva Sankar, the learned counsel for the petitioners, submits that the petitioners are innocent person, and they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He however



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submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioners. He further submits that the investigation of the case is still pending and, thereafter, at this stage of investigation, if pre-arrest bail is granted to the petitioners, they may cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. In view of the offence alleged against the petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. 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 facts and circumstances of the case, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.



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(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Eraniel within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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, Eraniel.

(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, Eraniel, 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 weekly once ie., on every Monday 10.00 am until further orders;

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.



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(v) 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 dissuade them from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall not leave India without the previous permission of the Court.

(vii) The petitioners shall not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Eraniel.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Eraniel 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].



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

sd/-
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/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1 THE JUDICIAL MAGISTRATE
ERANIEL.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANNIYAKUMARI DISTRICT.

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

+1 CC to M/s.SHIVA SANKAR, Advocate (SR-4001[I] dated 07/04/2025)



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ORDER

IN

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Date :03/04/2025

SS/SAR- /02/05/2025/ 7P/6C

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