



CRL OP(MD). No.6292 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6292 of 2025

Satheesh,

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by., The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
Crime No.236/2008.

... Respondent/ Complainant

For Petitioner : Mr. Sonu. P,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest pending case in PRC No. 20/2018 in Crime No. 236/2008 on the file of Judicial Magistrate No.I, Kuzhithurai and thus render justice.



CRL OP(MD). No.6292 of 2025

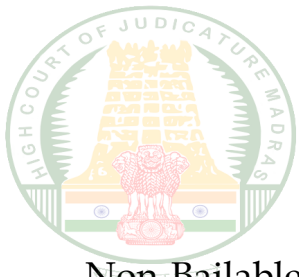
ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 02.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.

2. The petitioner / A2 apprehends arrest at the hands of the respondent-Police based on the non bailable warrant issued against him on 04.12.2019. The respondent-Police split up the case against the petitioner in P.R.C.No.20 of 2018 for the offences punishable under Sections 3 and 5 of TNPPDL Act, in connection with Crime No.236 of 2008 on the file of the respondent-Police.

3. The petitioner is arrayed as A2 in P.R.C.No.20 of 2018 for the offence under Sections 3 and 5 of TNPPDL Act. Initially the respondent police registered a case in Crime No.236 of 2008 against the petitioner and four others. After completing investigation, the respondent-Police herein filed a charge sheet in P.R.C.No.7 of 2009 on the file of the learned Judicial Magistrate No.1, Kuzhithurai. Thereafter, on 22.06.2018, the case was split up against the petitioner and one Vinukumar in P.R.C.No.20 of 2018. Since the petitioner has not appeared before the trial Court,



CRL OP(MD). No.6292 of 2025

Non-Bailable Warrant was issued against him on 04.12.2019.

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4. Mr.P.Sonu, learned counsel appearing for the petitioner, submits that the petitioner did not receive the summons from the learned Judicial Magistrate No.1, Kuzhithurai. He further submit that he is working in abroad and returned India last monthly. He further submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Therefore, he prays for granting pre-arrest bail to the petitioner.

5. In response to the above submission, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner failed to appear before the Magistrate, the case has been split up against the petitioner and other accused and committed to the Sessions Court in S.C.No.140 of 2018 in respect of the other accused and the same was ended into acquittal on 21.04.2023. He further submits that if the pre-arrest bail is granted to the petitioner, he may abscond and thereby cause a delay in the trial proceedings. Hence, he strongly opposes to grant bail to the petitioner.

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



CRL OP(MD). No.6292 of 2025

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7. It is stated that the petitioner did not receive the summons from the learned Judicial Magistrate No.1, Kuzhithurai. To be noted, the petitioner is working in abroad and returned India last monthly. On perusing the records, it reveals the fact that the petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the same, and also considering the fact that the petitioner did not receive the summons from the learned Judicial Magistrate No.1, Kuzhithurai, and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner, however, subject to certain conditions. Accordingly, the pre-arrest bail is granted 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.1, Kuzhithurai, 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 No.1, Kuzhithurai,;



CRL OP(MD). No.6292 of 2025

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(ii) Thereafter, the petitioner shall appear and sign before the learned Judicial Magistrate No.1, Kuzhithurai, on all working days at 10.30., a.m., until further orders;

(iii) 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.1, Kuzhithurai, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.1, Kuzhithurai,;

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

(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.1, Kuzhithurai, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the



CRL OP(MD). No.6292 of 2025

aforementioned conditions are imposed by him as laid down by the Hon-ble
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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/-
04/04/2025

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

VSG

TO

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



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CRL OP(MD). No.6292 of 2025

ORDER
IN
CRL OP(MD) No.6292 of 2025
Date :04/04/2025

PR/30.04 .2025 7P/5C

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