



CRL.OP (MD) No.6525 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP (MD) No.6525 of 2025

Kanstin Rabin @ Lux

... Petitioner / Sole Accused

Vs.

The State of Tamil Nadu rep. by
The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
(Crime No.613 of 2024)

... Respondent / Complainant

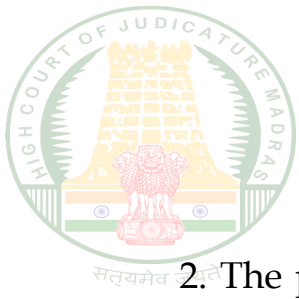
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.613 of 2024 on the file of the respondent-police.

For Petitioner : Mr.S.Guru Ranjith,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.04.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Sections 296(b), 309(4) and 351(3) of Bharatiya Nyaya Sanhita (BNS), 2023, in Crime No.613 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the owner cum driver of a seafood transport vehicle, delivering seafood from Chinnamuttam Harbour to Kerala. The petitioner is a friend of the defacto complainant. The defacto complainant used to give money to the petitioner for consuming liquor whenever he asked. Since the petitioner started demanding more money, the defacto complainant stopped giving him any. Due to this, on 13.11.2024, at about 06:00 a.m., when the defacto complainant had stopped his vehicle near Perumalswamy Temple, the petitioner approached him and demanded money for liquor. When the defacto complainant refused, the petitioner abused him using filthy language, stole his mobile phone from his pocket by showing knife and also threatened with dire consequences. Hence, the complaint.

4. Mr.S.Guru Ranjith, the learned counsel for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Accordingly, he prays for grant



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of pre-arrest bail.

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5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner abused the defacto complainant in filthy language and stolen his mobile phone from his pocket. He further submits that there are nine previous cases against the petitioner and that he is a history-sheeter. He therefore contends that if pre-arrest bail is granted to the petitioner, he will cause threat to the defacto complainant and tamper with the evidence, and therefore, custodial interrogation of the petitioner is necessary in this case. Accordingly, he prays to dismiss this petition.

6. Heard on both sides and perused the records.

7. In view of the offences allegedly committed by the petitioner and the fact that the stolen properties have been recovered from the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Considering the same and with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner, however 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 No.I,



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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 No.I, Nagercoil, Kanyakumari District.

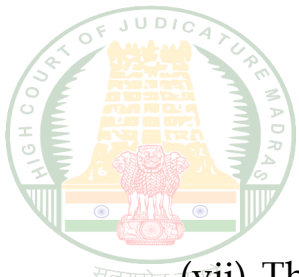
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the Judicial Magistrate No.I, Nagercoil, Kanyakumari District on all working days 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 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.

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



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the Court.

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

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) 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 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.

sd/-
08/04/2025

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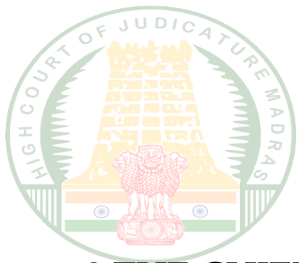
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Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PAL

TO

1.THE JUDICIAL MAGISTRATE NO.I,
NAGERCOIL, KANYAKUMARI DISTRICT.



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2.THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3.THE INSPECTOR OF POLICE,
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6525 of 2025
Date :08/04/2025

PR/22.05 .2025 6P/5C

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