



CRL.OP(MD). No.6858 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6858 of 2025

Suresh @ Arockia Suresh

... Petitioner / Accused No.1

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Tirunelveli Police Station,
CSCID Unit,
Madurai.
(Crime No.42 of 2025)

... 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.42 of 2025 on the file of the respondent police.

For Petitioner : Mr.C.Susikumar,
Advocate

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



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 09.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 17 of the Tamil Nadu Kerosene (Regulation of Trade) Order 1973 r/w Section 7(1)(a)(ii) of the Essential Commodities Act, 1955, in Crime No.42 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is serving as a Sub-Inspector of Police attached to the Uvari Police Station, Tirunelveli District. He received reliable secret information that some miscreants were illegally transporting kerosene. While he, along with other deputed officers, was conducting a vehicle check near the Uvari Check Post, they intercepted a Mahindra Bolero Maxi Truck bearing registration No.TN-75-U-4772. During the enquiry, they found that the 3rd and 4th accused were illegally transporting 2,000 litres of kerosene in 63 cans. The vehicle along with the kerosene was seized. Subsequently, their confession statements were recorded, during which the petitioner was implicated as an



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accused. Hence, the case.

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4. Mr.C.Susikumar, the learned counsel 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 implicated in this case based on the confession statement given by the co-accused. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that A3 and A4 were arrested and released on bail. He further submits that A2 and A5 were absconding. He further submits that the petitioner has been arrayed as an accused based on the confession statement given by A3. He further submits that the specific overt act of the petitioner is that he procured kerosene at a lower price and attempted to sell it at a higher price. He further submits that there are no previous cases against the petitioner. He further submits that the investigation of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he will commit similar type of offence and tamper with the evidence. Accordingly, he prays



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to dismiss this Criminal Original Petition.

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

7. In view of the nature of the offence allegedly committed by the petitioner and there are no previous antecedents against the petitioner, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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 No.II, 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



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No.II, Tirunelveli.

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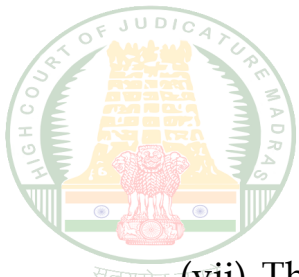
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police daily 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 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/-
22/04/2025

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

pal



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To धर्ममेव जयते

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1.THE JUDICIAL MAGISTRATE NO.II,
TIRUNELVELI.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3.THE INSPECTOR OF POLICE,
TIRUNELVELI POLICE STATION,
CSCID UNIT,
MADURAI.

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-4655[I] dated 23/04/2025)

ORDER
IN

CRL OP(MD) No.6858 of 2025
Date :22/04/2025

VN/16.05.2025 7P/6C

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