



CRL.OP(MD). No.7388 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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DATED: 23.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.7388 of 2025

1.Muthuraj

2.Rajaguru

... Petitioners / Accused No.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.
(Crime No.59 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 petitioners in Crime No.59 of 2025 on the file of the respondent police.

For Petitioners : M/s.S.Prabha,
Advocate

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



CRL.OP(MD). No.7388 of 2025

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 21.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 9(B)(1)(a) of Indian Explosive Act, 1884, in Crime No.59 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the respondent-police received secret information regarding the illegal manufacture of crackers. Pursuant to the information, the respondent-police traced explosive substances at Vijayakaraisalkulam, Sivakasi Taluk, Virudhunagar District. During the enquiry, they found that the petitioners were illegally manufactured the crackers in their home. Hence, the case.

4. M/s.S.Prabha, the learned counsel for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution and that they have been falsely implicated in this case. He further submits that there are no previous cases against the petitioners. He, however, submits that the petitioners are ready to abide any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the



CRL.OP(MD). No.7388 of 2025

petitioners.

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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused persons were found to be in illegal manufacturing and possession of crackers. Therefore, he contends that, if pre-arrest bail is granted to the petitioners, they will commit similar type of offence and tamper with the evidence. Hence, the custodial interrogation of the petitioners is necessary in this case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the alleged illegal manufacture of crackers has already been seized, this Court is of the view that the 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 taking into account of the fact that the petitioners are first offenders 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.

(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 No.II,



CRL.OP(MD). No.7388 of 2025

WEB COPY

Sattur, Virudhunagar District, 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.25,000/- (Rupees Twenty Five Thousand only) each 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.II, Sattur, Virudhunagar District.

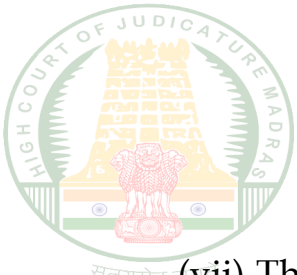
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 09.00 a.m. until further orders.

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

(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 him 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.



CRL.OP(MD). No.7388 of 2025

WEB COPY

(vii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(viii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or Trial Judge, as the case may be, 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]*.

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

Sd/-

23/04/2025

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/05/2025

Sub Assistant Registrar
(CS-I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai.

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To

1.The Judicial Magistrate No.II,
Sattur,
Virudhunagar District.



CRL.OP(MD). No.7388 of 2025

2.Do Through

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The Chief Judicial Magistrate,
Virudhunagar.

3.The Inspector of Police,
Alangulam Police Station,
Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.OP(MD). No.7388 of 2025
23.04.2025

KVL - (27.05.2025) 6P/ 5C

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