



CRL OP(MD). No.7561 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7561 of 2025

1.Sengai
2.Sivasamy
3.Jeyakumar

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep by the Sub-Inspector of Police,
A.Mukkulam Police Station,
Virudhunagar District.
Crime No.29 of 2025

... Respondent/ Complainant

For Petitioners : Mr.A.Karthigaivel

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.29 of 2025 on the file of the respondent-police.



CRL OP(MD). No.7561 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 22.04.2025 under Section 482 of 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 189(1), 221, 296(b), 303(1) and 351(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.29 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 20.04.2025, the petitioners without any licence or authorization, illegally cut and carried the seemai karuvelam trees (*Prosopis juliflora*) from water body. When the defacto complainant, who is the Village Administrative Officer, questioned the same, the petitioners abused the defacto complainant in filthy language, threatened him with dire consequences and also prevented him from performing his official duty Hence, the case.

4. Mr.A.Karthigaivel, learned counsel appearing for the petitioners submits that



CRL OP(MD). No.7561 of 2025

the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, on instructions, submits that the stolen trees would approximately cost a sum of Rs.8,000/- and that the trees have also been recovered. He also submits that the petitioners have no previous case. He however, prays to dismiss this Criminal Original Petition.

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

7. In view of the fact that illegally transported trees have been seized and taking note of the fact that except offence punishable under Section 303(1) of BNS, 2023, other offences are bailable in nature, this Court is of the considered view that custodial interrogation of the petitioners is not necessary for the investigation agency. Further, the petitioners have no previous case. The petitioners have permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Hence, this Court is inclined to grant an order of pre-arrest bail to the



CRL OP(MD). No.7561 of 2025

petitioners subject to the following conditions:

WEB COPY

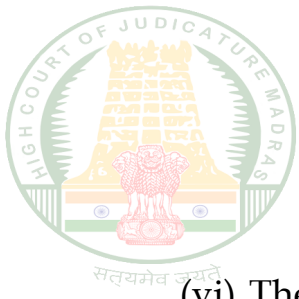
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned District Munsif cum Judicial Magistrate, Thiruchuli, Virudhunagar District, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Thiruchuli, 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 make themselves available for interrogation by police as and when required;

(iv) 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;

(v) The petitioners shall not leave India without the prior permission of the Court;



CRL OP(MD). No.7561 of 2025

WEB COPY

(vi) The petitioners shall appear and sign before the respondent-Police weekly twice i.e, on Sunday an Monday at 10.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Thiruchuli, Virudhunagar District;

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

(ix) On breach of any of the aforementioned conditions, concerned 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/-
24/04/2025

/ TRUE COPY /

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

MBI

5/6



CRL OP(MD). No.7561 of 2025

WEB COPY

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUCHULI,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE SUB-INSPECTOR OF POLICE,
A.MUKKULAM POLICE STATION,
VIRUDHUNAGAR DISTRICT

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

+1 CC to M/s.A.KARTHIGAIVEL, Advocate (SR-4971[I] dated 29/04/2025)

ORDER
IN

CRL OP(MD) No.7561 of 2025

Date :24/04/2025

SS/SAR- /28/05/2025/ 6P/6C

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