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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.07.2026

PRESENT

THE HONOURABLE MR. JUSTICE K. RAJASEKAR

CRL OP(MD). No. 14610 of 2026

Kathaiyan ...Petitioner

Vs

State of Tamil Nadu rep. by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Crime No.208 of 2026) ...Respondent/Complainant

For Petitioner : Mr.UM.Berdin Vinodh
Advocate
For Respondent : Mr.N.Balasubramanian
Counsel for State of TN (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Cr.No. 208 of 2026 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Accused, who was arrested and remanded to judicial custody on 14.06.2026, for the offences punishable under Sections 303(2) of BNS r/w. Section 21(1) of MMDR Act, in Crime No.208 of 2026 on the file of

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the respondent police, seeks bail.

2. The allegation against the petitioner is that the petitioner herein is involved in illegal quarrying of ½ unit of river sand by using heavy vehicle. Hence, he was intercepted by the police officials and subsequently, on investigation the role of the petitioner came to light and the petitioner has been arrested.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he was falsely implicated in this case and he has not committed any offence as alleged by the prosecution. He would further submit that the petitioner was arrested 14.06.2026. So far no grounds of arrest has been given to the petitioner either in writing or by oral. He would further submit that except the arrest endorsement, no other documents have been served to him. He is ready to co-operate with the investigation. Hence, he prayed bail for the petitioner.

4. The learned Counsel appearing for the State reiterated the prosecution case and reported that the petitioner was arrested on 14.06.2026 and the arrest intimation was served on him. Investigation in this case is still pending and the

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petitioner has five previous cases. He opposed the grant of bail to the petitioner.

5. This Court heard both sides and perused the materials available on record.

6. I have gone through the intimation of arrest. It is bereft of details regarding the basic facts such as date, place of occurrence and manner in which occurrence taken place, etc., In view of the above, this Court is of the view that the mandatory requirement of communicating the grounds of arrest has not been satisfactorily complied with. Such non-compliance amounts to a violation of the constitutional safeguard guaranteed under Article 22(1) of the Constitution of India, as explained by the Hon'ble Supreme Court in its judgments in ***Mihir Rajesh Shah vs. State of Maharashtra and another [2025 LiveLaw (SC) 1066]*** and ***Vihaan Kumar vs. State of Haryana and another [2025 INSC 162] .***

7.The Apex Court in ***Vihaan Kumar vs. State of Haryana and another [2025 INSC 162]*** has held that, the Article 22(1) of the Constitution of India mandates that the information about the grounds of arrest to be provided to the

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arrested person in such a manner, that sufficient context of the basic facts constituting the grounds is important and communicated to the arrested person. It further reads that the burden of compliance of Article 22(1) is on the persons, who is exercising the power of arrest.

8.Further this Court is of the view that, after passing of the judgment in ***Mihir Rajesh Shah's case***, it is mandatory on the part of the every arresting officer to intimate the grounds of arrest in writing in the language he/ she understands, it is a constitutional mandate and informing the arrestee the grounds of arrest is mandatory in all offences under all statutes. Further it is held that the communications of this grounds of arrest in all the offences has to be given to the arrestee at the earliest, which means that it need not be given at the time of arrest but within the reasonable time.

9.Considering the above violation, the facts and circumstances of the case, this Court is of the view that the petitioner is entitled for bail. Accordingly, considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner, subject to certain conditions.

[a] Accordingly, the petitioner is ordered to be released on

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bail on condition to execute a bond for a sum of Rs.20,000/- (Rupees Twenty Thousand only) with two sureties each for a like sum to the satisfaction of the learned **Judicial Magistrate, Pattukottai, Thanjavur District**, and on further conditions that:

[b] the petitioner shall report before the learned Judicial Magistrate, Pattukottai, Thanjavur District, at 10.30 a.m., on all working days, until further orders;

[c] the petitioner shall not commit any offence similar to the offence of which he/she is accused, or suspected, or of the commission of which he/she is suspected;

[d] the petitioner shall not abscond either during investigation or trial;

[e] 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 her from disclosing such facts to the Court or to any police officer or tamper with the evidence;

[f] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned

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Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 51730].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 BNS.

(K R S J)
21.07.2026

TM

To

1.The Judicial Magistrate, Pattukottai, Thanjavur District.

2.The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District. (Crime No.208 of 2026)

3.The Superintendent, Sub Jail, Thanjavur.

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

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K. RAJASEKAR, J.

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ORDER
IN
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