



CRL OP(MD). No.4202 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4202 of 2025

K.Santhosh

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Cr. No.373 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.M.Arul

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

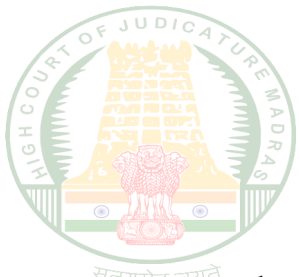
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 373 of 2024 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 04.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.



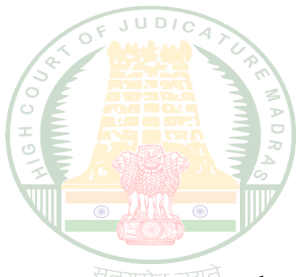
CRL OP(MD). No.4202 of 2025

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2. The petitioner/Accused No.3 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 20(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.373 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 23.12.2024, when the defacto complainant, along with his team, was conducting vehicle check-up near Thippanviduthi North Colony Street, they found that the petitioner and other accused persons were illegally excavating and transporting $\frac{1}{4}$ unit of river sand in Bolero Max Truck Plus, bearing registration No.TN-18-AC-5863. Two of the accused persons were ridding in a two-wheeler bearing registration No.TN-05-BE-0195, following the said vehicle. On seeing the police, the accused persons fled from the scene of occurrence, leaving the vehicles. Hence, this case.

4. Mr.M.Arul, the learned counsel appearing for the petitioner, submits that this is the second pre-arrest bail application of the petitioner. He further submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He further submits that the co-accused persons/A1, A2 and A4, who have six, nine and four previous cases, respectively, were granted pre-arrest bail by this Court. Hence, he prays for grant of



CRL OP(MD). No.4202 of 2025

pre-arrest bail to the petitioner.

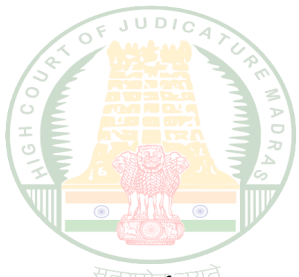
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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner has six previous cases, out of which three cases are similar in nature. He further submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and hence, there is less possibility of absconding. The co-accused persons/A1, A2 and A4 were granted pre-arrest bail by this Court. Considering the same and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner, 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 subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Pattukottai, 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



CRL OP(MD). No.4202 of 2025

satisfaction of the learned Judicial Magistrate, Pattukottai;

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(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(iii) 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, Pattukottai shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Pattukottai;

(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(vi) 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;

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

(viii) The petitioner 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, the learned Judicial



CRL OP(MD). No.4202 of 2025

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Magistrate, Pattukottai, 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/-
06.03.2025

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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1. The Judicial Magistrate,
Pattukottai.
2. Do-Through The Chief Judicial Magistrate,
Thanjavur District.
3. The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.



CRL OP(MD). No.4202 of 2025

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

ORDER
IN
CRL OP(MD) No.4202 of 2025
Date : 06/03/2025

SL(21.03.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.