



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 04/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2162 of 2025

Sivaraman,  
S/o.Annakodi,  
Colony, Ganeshapuram,  
Andipatti Taluk,  
Theni District.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
Gandamanur Police Station,  
Theni District.  
Crime No.21/2025

... Respondent/ Complainant

For Petitioner : M/s.Kannan Gurusami,  
Advocate.

For Respondent : Mr.R.Meenakshi Sundaram,  
Additional Public Prosecutor

PETITION FOR BAIL Under Sec.483 of BNSS



WEB COPY  
PRAYER :-

For Bail in Crime No.21/2025 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 30.01.2025 under Section 483 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant bail.

2. The petitioner/ accused No.2 was arrested and remanded to judicial custody on 22.01.2025 for the alleged offences punishable under Sections 303(2) of BNS and 21(4) of MMDR Act, in Crime No.21 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 21.01.2025, when the respondent Police was in patrolling duty, the petitioner herein and other accused have illegally excavated and transported 6.5 units of Red soil by using the Tractor and Trailer bearing Regn.Nos.TN60AJI129 and TN47X0187 respectively, from the patta land of A7. Hence the complaint.



WEB COPY

4. Mr.Kannan Gurusami, learned counsel appearing for the petitioner submitted that the petitioner is the owner of the said Tractor and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that the petitioner is in judicial custody since 22.01.2025 and he is ready to obey the condition to be imposed by this Court and prays for granting bail to the petitioner.

5. Per contra, Mr.R. Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the respondent police submitted that the petitioner herein and other accused have illegally excavated and transported 6.5 units of Red soil by using Tractor and Trailer from the patta land of A7. He would further submit that the petitioner herein is the owner of the said vehicle and there is no previous case pending against the petitioner. He would further contend that the quantity of Red Soil involved in this offence is very huge and if the petitioner is released on bail, he will cause threat to the prosecution witnesses and hence, he prayed for dismissal of this petition.

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



WEB COPY

7. The petitioner was arrested on 22.01.2025 and he is in incarceration since 22.01.2025. The petitioner is only owner of the vehicles and there is no previous case pending against the petitioner. On perusing the records reveals the fact that the petitioner has a permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Hence, with a view to give one more opportunity to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One Lakh only) along with two sureties each for a like sum of Rs.1,00,000/- (Rupees One Lakh Only) to the satisfaction of the learned Judicial Magistrate, Andipatti, Theni District. Among two sureties one shall be a blood surety.

(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 furnish his residence address and mobile number:

(iv) The petitioner shall appear and sign before the concerned Judicial



Magistrate, daily at 10.30 a.m., until further orders;

WEB COPY

(v) The petitioner shall not enter into the residence of the defacto complainant or her work place.

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

(vii) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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/-

04/02/2025

/ TRUE COPY /

04/02/2025

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

trp



WEB COPY

- 1 THE JUDICIAL MAGISTRATE,  
ANDIPATTI, THENI DISTRICT.
- 2 DO-THROUGH -THE CHIEF JUDICIAL MAGISTRATE,  
THENI DISTRICT.
- 3 THE OFFICER INCHARGE,  
DISTRICT JAIL, THENI.
- 4 THE INSPECTOR OF POLICE,  
GANDAMANUR POLICE STATION,  
THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER  
IN

CRL OP(MD) No.2162 of 2025  
Date :04/02/2025

ES/SAR /04.02.2025/ 6P/6C

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