



CRL OP(MD). No.2114 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Selvam
2.Athilakshmi
3.K.Priyakumar
4.Kaliraj
5.M.Kathiresan
6.Kumaresan

... Petitioners

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.
Crime No.45 of 2025).

... Respondent/Complainant

For Petitioners : Mr.V.Kathirvelu
Senior Advocate for Mr.T.Palanisamy
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

<https://www.mhc.tn.gov.in/judis>



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PRAYER :-

For Anticipatory Bail in Crime No.45 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 30.01.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita praying to grant an order of pre-arrest bail.

2. The petitioners/rank not known, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Section 303(ii) of BNS Act r/w 21(5) of Mines and Minerals (Development and Regulation Act), 1957, in Crime No.45 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 28.01.2025 at about 11.00 am., when the respondent police and revenue officials were indulged in patrolling duty to supervise the theft of kanmai sand, the police found inside the kanmai four Ashok leyland lorries bearing Registration Nos.TN 67 AF 3867, TN 79 M 4275, TN 67 AF 0462 and TN 58 AZ 1042 and soil excavators. Further they found a lorry laden with gravel sand. On seeing the officials, the drivers of the vehicle flee from the spot. Hence, the



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case.

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4. The learned counsel for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioners' name were not found in the FIR and subsequently, the respondent police has falsely implicated the petitioners' name. He further submits that the petitioner is ready to obey the condition if any imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, the learned Government Advocate (Criminal Side) appearing for the respondent police submits that there are totally 11 accused in this case and the allegation is that the accused persons had illegally transported 1 ½ unit of gravel sand. Totally 11 vehicles involved in this crime, out of which, four vehicles were seized. If pre-arrest is granted to the petitioners, they will repeat the similar offences and thereby, cause environmental degradation.

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

7. Petitioners have permanent residence and have deep roots in society. Hence,



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less possibility of absconding. Petitioners are first offenders. Hence, 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 bail in the event of their arrestor or in the event of their surrender before the learned Judicial Magistrate No.I, Virudhunagar, within a period of 15 days from the date on which this order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the satisfaction of the Judicial Magistrate No.I, Virudhunagar.

(ii) The petitioners shall appear and sign before respondent Police, weekly twice i.e., on Monday and Friday at 10.30 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 shall obtain a copy of anyone of identity proofs to ensure their identity;

(iv) The petitioners shall make himself available for interrogation by the Police as and when required;

(v) The petitioners shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence;

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(vi) On breach of any of the aforementioned conditions, the learned Judicial Magistrate/Trial Judge is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by themselves 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/-
07/02/2025

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/02/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Rmk

TO

1.THE JUDICIAL MAGISTRATE NO.I, VIRUDHUNAGAR,

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.

3.THE INSPECTOR OF POLICE,
VACHAKARAPATTI POLICE STATION, VIRUDHUNAGAR DISTRICT.

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

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ORDER
IN
CRL OP(MD) No.2114 of 2025
Date :07/02/2025

RK/SKN (18/02/2025) 6P / 6C

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