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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2160 of 2025

C.Pandiaraj

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
The Inspector of Police,
Thiruvengadam Police Station,
Thenkasi District.
Crime No.28/2025.

... Respondent/ Complainant

For Petitioner : Mr.S. Malaikani,

For Respondent : Mr.K.Sanjai Gandhi,

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-33AB For Anticipatory Bail in Crime No.28/2025 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



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita (BNS) and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.28 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 29.01.2025 at about 1.00 a.m., when the respondent police patrolling to prevent the theft of jalli, the police found that the petitioner has illegally excavated and transported 2 ½ unit of jalli by using lorry bearing Registration No. TN-67-AR-1740 without any valid license or permission. Hence, the case.

4. Mr.S.Malaikani, learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution; and the respondent Police registered the case only for statistical purpose. He further submitted that the petitioner has permanent residence and deep roots in the Society and that he is ready to obey the conditions if any imposed by this Court. Accordingly, he prayed to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent Police submits that the petitioner has illegally



excavated and transported 2 ½ unit of jalli by using lorry bearing Registration No. TN-67-AR-1740 without any valid license or permission. He further submits that one previous case, which is similar in nature, is pending against the petitioner. Accordingly, he prayed to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence. Hence, there is less possibility of absconding. Considering the facts and circumstances of the case, the nature of the offence, the quantity of jalli allegedly excavated and transported by the petitioner, 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, Sankarankovil, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the Judicial Magistrate, Sankarankovil.

(ii) Thereafter, the petitioner shall appear and sign before the respondent Police daily at 10.00 a.m., from 10.02.2025 till 28.02.2025;

(iii) The sureties shall affix their photographs and left thumb impression in the



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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;

(iv) The petitioner shall furnish her residence address and mobile number to the learned Judicial Magistrate, Sankarankovil.

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

(vi) On breach of any of the aforementioned conditions, the learned Magistrate, Sankarankovil, 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/-
03/02/2025

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



APD
TO
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1 JUDICIAL MAGISTRATE
SANKARANKOIL.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TENKASI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUVENGADAM POLICE STATION,
THENKASI DISTRICT.

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

+1 CC to M/s.S.MALAIKANI, Advocate (SR-1336[I] dated 03/02/2025)

ORDER
IN

CRL OP(MD) No.2160 of 2025
Date :03/02/2025

NBF / SKN /SAR- (19/02/2025) 5P/6C

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