



WEB COPY

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.2165 of 2025

1. S Marimuthu

2. K Rajendran

... Petitioners/ A1 & A2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Chathirapatti Police Station,
Dindigul District.
Crime No. 179/2024.

... Respondent/ Complainant

For Petitioners : Mr.R.Santhanam, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.179 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 petitioners on 30.01.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 & 21(1), 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.179 of 2024 on the file of the respondent police.

3. The Village Administrative Officer is the defacto complainant. The case of the prosecution is that on 31.12.2024, at 12:00 hours, while the Village Administrative Officer, along with the Revenue Inspector, was inspecting vehicles, they found that the first petitioner/A1 had illegally excavated and transported one unit of gravel sand in a tractor and trailer bearing registration No.TN-94-X-4369 and TN-55-AE-8076, without permission. Upon interrogation, the first petitioner/A1 stated that he transported the gravel sand based on the instructions of his owner, the second petitioner/A2. While verifying the documents, the petitioner fled the scene, abandoning the vehicle. The vehicle was subsequently seized. Hence, this case.



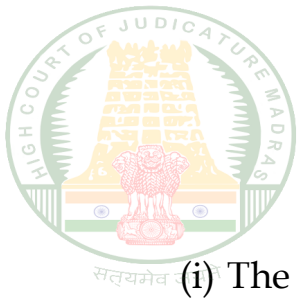
WEB COPY

4. Mr.R.Santhanam, the learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent Police submits that there is no previous case against the petitioners.

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

7. There is no previous case against the petitioners. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Further, the petitioners are first offender. Considering the facts and circumstances of the case, the quantity of the gravel sand, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:



WEB COPY

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Ottanchathiram, within a period of 15 days from today, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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, Ottanchathiram;

(ii) Thereafter, the petitioners shall appear and sign before the respondent Police once every week, on Monday 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, Ottanchathiram, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Ottanchathiram;

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

(vi) On breach of any of the aforementioned conditions, the learned Magistrate, Ottanchathiram, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned



conditions are imposed by them as laid down by the Hon-ble Supreme Court in P.K.

WEB COPY

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

/ TRUE COPY /

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

apd
TO

1 THE JUDICIAL MAGISTRATE, OTTANCHATHIRAM

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

3 THE INSPECTOR OF POLICE,
CHATHIRAPATTI POLICE STATION, DINDIGUL DISTRICT.

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

+1 CC to M/s.R.SANTHANAM, Advocate (SR-1400[I] dated 05/02/2025)

ORDER IN
CRL OP(MD) No.2165 of 2025
Date :03/02/2025

ES/SKN/SAR /20.02.2025/5P/6C

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

17/07/2023

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