



CRL OP(MD). No.2281 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Tamilarasu

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(Crime No.570 of 2024)

... Respondent/Complainant

For Petitioner : Mr.R.Muthuram, 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.570 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 03.02.2025
under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



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an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS) Act, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.570 of 2024 on the file of the respondent police.

3. The case of the prosecution is that on 23.12.2024 at about 06.00 hours, while the police officials were conducting vehicle check up, they found the petitioner transiting 2 units of pond sand worth about Rs.6,000/- without proper licence in a mini lorry bearing Registration No.TN 65 AJ 2733. On seeing the respondent-Police, the petitioner fled away from the scene of occurrence, leaving the vehicle there. Hence, the case.

4. Mr.R.Muthuram, learned counsel appearing for the petitioner submits that the petitioner was falsely implicated in the present case and he did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent Police, submits that the petitioner has illegally transported 2 units of pond sand. Accordingly, he prayed to dismiss this Criminal Original Petition.



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

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7. Considering the nature of the offences alleged against 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, Radhapuram, Tirunelveli District 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.20,000/- (Rupees Twenty Thousand only) along with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the satisfaction of the concerned Judicial Magistrate.

(ii) Thereafter, the petitioner shall appear and sign before the concerned Judicial Magistrate twice a week i.e., on Monday and Friday 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 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 concerned Judicial Magistrate.



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(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, concerned Magistrate, 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 them 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/-
05/02/2025

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

MBI

To

1.The Judicial Magistrate,
Radhapuram, Tirunelveli District.

2.Do through the Chief Judicial Magistrate,
Tirunelveli District.



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3.The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

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

ORDER
IN
CRL OP(MD) No.2281 of 2025
Date :05/02/2025

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

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