



CRL OP(MD). No.2280 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

CRL OP(MD). No.2280 of 2025

1.P.Arumugam @ Chelladurai
2.Kalandar Ali

... 1st petitioner/ A1
... 2nd petitioner/Rank not known

Vs

The Inspector of Police,
S.P.Pattinam Police Station,
Ramanathapuram District.
Crime No.5 of 2025

... Respondent/Complainant

For Petitioners : Mrs.Nishanthi Sathish
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.5 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 03.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the



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offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS) Act, 2023 and Section 21(4) of Mines and Minerals (Development and Regulation), 1957 in Crime No.5 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 02.02.2025 at about 04.00 a.m., when the Village Administrative Officer along with the Village Assistant were on patrolling duty near Vanjurar Mahal, S.P.Pattinam, they found the petitioners illegally transporting 2 units of mud sand in a tipper lorry bearing Registration No.TN 31 AX 0153. Hence, the case.

4. Mrs.Nishanthi Sathish, learned counsel appearing for the petitioners submits that the petitioners were arrayed as accused falsely. The petitioners did not commit any offence. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-Police submits that the petitioners illegally transported 2 units of mud sand. The first petitioner has two previous cases, out of which, one case is similar in nature and the second petitioner has three previous cases, out of which, one case is similar in nature. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the nature of the offences alleged against the petitioners, this



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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 arrest or in the event of their surrender before the learned Judicial Magistrate, Thiruvadanai, 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) each along with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand Only) to the satisfaction of the learned Judicial Magistrate, Thiruvadanai.

(ii) Thereafter, the petitioners shall appear and sign before the respondent - Police daily 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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thiruvadanai.

(v) The petitioners 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,



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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. 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,
THIRUVADANAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
S.P.PATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.G.R.SATISH, Advocate (SR-1399[I] dated 05/02/2025)



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ORDER

IN

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Date :05/02/2025

RS/SKN/SAR-(18.02.2025) 5P 6C

Madurai Bench of Madras High Court is issuing
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