



CRL OP(MD). No.2339 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Satheesh @ Satheeshkumar
2. Ajith @ Ajithkumar
3. Govindan

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Chatrakudi Police Station,
Ramanathapuram District.
(In Crime No. 15 of 2025)

... Respondent/ Complainant

For petitioners : Mr.C.N.Tamizharasan
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 15 of 2025 on the file of the respondent Police.

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



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 04.02.2025 under Section 482 of the 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 BNS r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.15 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 27.01.2025 at about 11.00 am., when the Village Administrative Officer of Mudukulathur Group Village along with his Assistant, was on patrol duty, they found the petitioners herein dumping river sand, which had been illegally, excavated and transported using Two Wheelers bearing Regn.No.TN-65-J-8221 and without registration number bearing Class No.122 LH31 8575 in a place where they regularly stored the river sand on seeing them, the petitioners fled from the place of occurrence. Hence, the complaint.

4. Mr.C.N.Tamizharasan, the learned counsel for the petitioners, submits that

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the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioners. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners herein have illegally excavated and transported river of sand using two Two Wheelers and the investigation of the case is pending. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the quantity of river sand allegedly excavated and transported by the petitioners and considering the fact that the petitioners have permanent residence and have deep roots in the society and therefore, there is less possibility of absconding and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:



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(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Paramakudi, within a period of 15 days from date on which the order copy is made ready, 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 said Magistrate;

(ii) 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;

(iii) Thereafter, except the 3rd petitioner, other petitioners shall appear before the respondent- police daily at 10.30 am until further orders;

iv) since the 3rd petitioner is a senior citizen, he shall appear before the respondent-Police as and when required for interrogation;

(v) The petitioners shall furnish their residential address and mobile numbers to the concerned Magistrate;

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

(vii) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate 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 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/-
06/02/2025

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

TRP

TO

1. THE JUDICIAL MAGISTRATE, PARAMAKUDI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
CHATRAKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER

IN

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Date :06/02/2025

RK/SKN/ SAR- 2 (19/02/2025) 6P / 5C

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