



CRL OP(MD). No.2335 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2335 of 2025

Balamurugan

... Petitioner/ Accused Rank Not Known

Vs

The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District
Crime No.442/2023

... Respondent/Complainant

For Petitioner : Mr.C.Susikumar, 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.442/2023 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 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 petitioner apprehends arrest at the hands of the respondent police for the

<https://www.mhc.trngov.in/judis>



CRL OP(MD). No.2335 of 2025

offences punishable under Section 379 of IPC and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.442 of 2023 on the file of the respondent police.

3. The case of the prosecution is that on 19.08.2023 at about 11.30 pm when the Thasildar, Radhapuram conducted a vehicle check up, they found that the petitioner herein has illegally excavated and transported 3 units of Saral Sand using a Lorry bearing Regn.No.TN-06-F-5104 and the same have been seized. Hence, the complaint.

4. Mr.C.Susikumar, the learned counsel for the petitioner, submits that the petitioner is only the owner of the vehicle and he is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. Hence, he prays for grant of pre-anticipatory bail to the petitioner.

5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the petitioner herein has illegally excavated and transported 3 units of saral sand and he is the owner of the vehicle and further, he is a first offender. Accordingly, he prays to dismiss this Criminal Original Petition.

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



CRL OP(MD). No.2335 of 2025

WEB COPY

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

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Radhapuram, 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) 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, the petitioner shall appear before the respondent- police twice a week i.e., on every Monday and Friday at 10.30 am until further orders;



CRL OP(MD). No.2335 of 2025

WEB COPY

(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(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 Judicial 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 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

/ TRUE COPY /

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

TRP
TO

1 THE JUDICIAL MAGISTRATE, RADHAPURAM.

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



CRL OP(MD). No.2335 of 2025

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.2335 of 2025
Date :06/02/2025

RS/SKN/SAR-(18.02.2025) 5P 5C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023