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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

CRL OP(MD). No.2345 of 2025

Vanumamalai

... Petitioner/ Accused rank not known

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Perumalpuram Police Station,
Perumalpuram, Tirunelveli City.
Crime No. 21/2025

... Respondent/ Complainant

For Petitioner : Mr.N.Pragalathan,
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. 21 of 2025 on the file of the Respondent Police.



ORDER: The Court made the following order :-

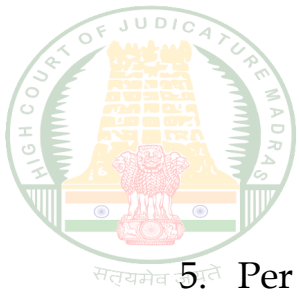
This Criminal Original Petition has been filed by the petitioner on 04.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent- police for the offence punishable under Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.21 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 29.01.2025, when the respondent Police conducted a vehicle check up, they found that the petitioner herein illegally excavated and transported 3 units of Gravel Sand using a Lorry bearing Regn.No.TN-69 P-1512 from patta land and the same have been seized. Hence, the complaint.

4. Mr.N.Pragalathan, 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 his name has been falsely implicated in this case. Hence, he prays for grant of pre-arrest bail to the

petitioner.



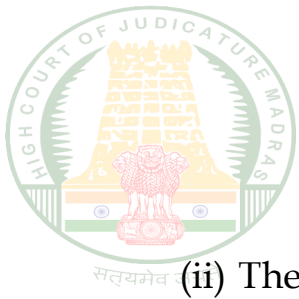
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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submitted that the petitioner herein has illegally excavated and transported 3 units of gravel sand and he is the owner of the vehicle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

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

7. Considering the quantity of gravel sand allegedly excavated and transported by the accused persons and considering the fact that the petitioner has permanent residence and 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 No.I, Thirunelveli, Thirunelveli District 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.



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(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 weekly twice i.e., on every Monday and Friday at 10.30 am until further orders;

(iv) The petitioners 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 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.

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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 NO.I,
TIRUNELVELI, TIRUNELVELI DISTRICT.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PERUMALPURAM POLICE STATION,
PERUMALPURAM, TIRUNELVELI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-1441[I] dated 06/02/2025)

ORDER IN
CRL OP(MD) No.2345 of 2025
Date :06/02/2025

ES/SKN/SAR-3 /20.02.2025/5P/6C

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