



CRL OP(MD). No.2371 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

CRL OP(MD). No.2371 of 2025

1. Durai,
2. Uthayakumar

... Petitioners/ Accused No.1 & 2

Vs

The State of Tamilnadu,
Rep.By the Inspector of Police,
Valanadu Police Station,
Trichy District.
(Crime No. 12/2025)

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu, 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.12/2025 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 05.02.2025



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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(4) of Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.12 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 was conducting a routine vehicle check up, they noticed that the petitioners herein have illegally excavated and transported each $\frac{1}{4}$ unit of "River Sand" by using a Bullock Carts. On seeing the police, they fled away from the place leaving the Bullock Carts there. The same have been seized. Hence, the complaint.

4. Mr.M.Pitchai Muthu, the learned counsel for the petitioners, submits that the petitioners are only owners of the Bullock Carts and they are an innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. 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 each $\frac{1}{4}$ units of river sand and they



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are the owners of the Bullock Carts and further, they are first offenders.

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Accordingly, they pray 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 with a view to give an opportunity to the petitioners to reform themselves and further, the petitioners have permanent residence and have deep roots in the society, there are less possibility of absconding, 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:

(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, Manapparai, Trichy 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) 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



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identity proofs to ensure their identity.

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(iii) Thereafter, the petitioners shall appear before the respondent police daily at 10.30 am until further orders;

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

(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, 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.

sd/-
06/02/2025

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



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TRP
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To

- 1.The Judicial Magistrate,
Manapparai, Trichy District.
- 2.Do through the Chief Judicial Magistrate,
Trichy District.
- 3.The Inspector of Police,
Valanadu Police Station,
Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.2371 of 2025
Date :06/02/2025

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

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