



CRL OP(MD). No.2379 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/02/2025

PRESENT

THE HONOURABLE **MR. JUSTICE R. SAKTHIVEL**

CRL OP(MD). No.2379 of 2025

Uthamanathan

... Petitioner

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kadaladi Police Station,
Ramanathapuram District.
(Crime No.2 of 2025).

... Respondent/Complainant

For Petitioner : Mr.S.Muniyandi, 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.2 of 2025 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita praying to grant an order of pre-arrest bail.

2. The petitioner/A3, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 303(2) of BNS Act and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.2 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 03.01.2025 at about 14.30 hours, when the respondent police were indulged in patrolling duty to supervise the theft of sand, they found that the accused persons are excavating and transporting river sand without any permission by using tractor bearing Registration No.TN 65 Y 9211, JCB bearing registration No.TN 67 AZ 8510 and two tractors without registration number. On seeing the police, the accused person fled away from the place. The police seized three tractors each carrying one unit of river sand and the JCB. Hence the case.



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4. Mr.S.Muniyandi, learned counsel for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and the respondent police has falsely implicated the petitioner as an accused. He further submits that the petitioner is ready to obey the condition, if any, imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police submits that there are totally 4 accused persons in this case and the petitioner has been arrayed as A3, who is owner of the tractor bearing registration No.TN 65 Y 9211 and had illegally transported 1 unit of sand by using JCB. He further submits that the petitioner has no previous case and he is first offender. However, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility of absconding, with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.



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(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Kadaladi, Ramanathapuram District, within a period of 15 days from the date on which this order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties each for a like sum of Rs.25,000/- to the satisfaction of the Judicial Magistrate, Kadaladi, Ramanathapuram District;

(ii) The petitioner shall appear and sign before 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 anyone of identity proofs to ensure their identity;

(iv) The petitioner shall make himself available for interrogation by the respondent-Police as and when required;



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(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/Trial Judge is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by themselves 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/-
07/02/2025

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

RMK
TO

1 THE JUDICIAL MAGISTRATE
KADALADI, RAMANATHAPURAM DISTRICT.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,
KADALADI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-1547[I] dated 10/02/2025)

ORDER
IN

CRL OP(MD) No.2379 of 2025

Date :07/02/2025

SS/SKN/SAR-I /19/02/2025/ 6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023