



CRL.OP(MD). No.2534 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2534 of 2025

1.Sundar @ Nanjil Sundar
2.Esakupandi

... Petitioners/ Accused Nos.1 & 2

Vs.

The Inspector of Police,
Vijayanarayanam Police Station,
Tirunelveli District.
(Crime No.294 of 2024)

... Respondent/Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.294 of 2024 on the file of the respondent-police.

For Petitioners : Mr.S.Sathyachidambaram

For Respondent : Mr.K.Sanjay Gandhi,
Government Advocate (Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025 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



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offence punishable under Sections 132 and 303(2) of BNS, 2023, in Crime No.294 of
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2024 on the file of the respondent-police.

3. The case of the prosecution is that on 19.12.2024 at about 02.00 a.m., when the defacto complainant/ the Special Sub-Inspector of Police along with his team was on patrol duty, near Karumeni River, they intercepted a TATA 407 vehicle bearing Reg.No.TN-10-E-0131 which was coming from the opposite direction. On inspection, they noticed that the petitioners were illegally excavating and transporting 1 unit of river sand in that vehicle. While inspecting the vehicle, the petitioners fled from the place. The police seized the vehicle. Hence, the case.

4. Mr.S.Sathyachidambaram, the learned counsel for the petitioners, submits that 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. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore 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 first petitioner has 8 previous cases, out of which, 5 cases are similar in nature and that the second petitioner has 6 previous cases, out of which, 2 cases are similar in nature. They are



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the history sheeters. If pre-arrest bail is granted to the petitioners, they will commit similar type of offence and cause damage to environmental ecology. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. On perusal of records, it reveals the the first petitioner has 5 previous cases of a similar nature and the second petitioner has 2 previous cases of similar nature. If an order of pre-arrest bail is granted to the petitioners, they will commit similar type of offences in future and thereby, they will cause a great loss to the wealth of the nation. Hence, this Court is not inclined to grant pre-arrest bail to the petitioners.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
10/02/2025

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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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TO

1 THE INSPECTOR OF POLICE, VIJAYANARAYANAM POLICE STATION,
TIRUNELVELI DISTRICT.

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



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ORDER

IN

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Date :10/02/2025

RS/SKN/SAR-(24.02.2025) 4P 3C

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