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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2531 of 2025

1.Gnanasekaran

2.Sivakumar

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.
Crime No.12 of 2025

... Respondent/ Complainant

For Petitioners : Mr.R.Karunanidhi, 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 of 2025 on the file of the respondent-police.



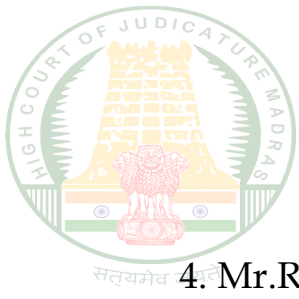
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 06.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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 Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) and 21(2) of the 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 while the Revenue Divisional Officer, Pudukkottai District and her team were on patrolling duty, they found that the accused persons illegally transported 6 units of M-sand in a lorry bearing Registration No.TN 48 AK 2719 without valid permit. When intercepted by the officials, the driver of the lorry escaped from the place of occurrence. The officials seized the lorry and handed over to the respondent-Police. Hence, the case.



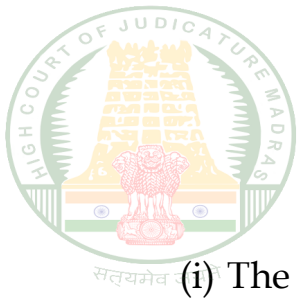
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4. Mr.R.Karunanidhi, learned counsel appearing for the petitioners submits that the petitioners were arrayed as accused falsely. The petitioners did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that A1 is the owner of the lorry and A2 is the driver of the lorry. The M-sand was worth about Rs.18,000/-. The petitioners are first time offenders. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Considering the nature of the offences alleged against the petitioners and that the petitioners have no previous case and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:



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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Thirumayam, Pudukkottai District, within a period of 15 days from the 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 learned Judicial Magistrate, Thirumayam, Pudukkottai District;

(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 petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thirumayam, Pudukkottai District;

(v) The petitioners shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence; and

(vi) On breach of any of the aforementioned conditions, concerned 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
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by them 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/-
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.

MBI

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUMAYAM POLICE STATION,
PUDUKOTTAI DISTRICT.



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

+1 CC to M/s.R.KARUNANIDHI, Advocate (SR-1573[I] dated 12/02/2025)

ORDER
IN
CRL OP(MD) No.2531 of 2025
Date :10/02/2025

ES/SKN/SAR -1/20.02.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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