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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.2543 of 2025

Deivakannan

... Petitioner/ Accused (rank not known)

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Oomachikulam Police Station,
Oomachikulam,
Madurai District.
Crime No.123 of 2024

... Respondent/ Complainant

For Petitioner : Mr.S.Vignesh Shanmugam
for M/s.Ajmal Associates

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.123 of 2024 on the file of the respondent-



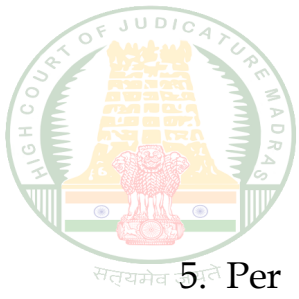
ORDER: The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 06.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.123 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that 25.12.2024 at about 05.15 a.m., one Singaravelan, Special Thasildar of Geology and Mining, Madurai, during vehicle inspection on Oomachikulam - Kadachanendal Road near Alathur, found the accused person illegally transporting 2.5 units of M-sand in a tipper lorry bearing Registration No.TN 20 AF 3661. The officials seized the vehicle. While so, on the way to the police station, the driver of the lorry escaped. Hence, the case.

4. Mr.S.Vignesh Shanmugam, learned counsel appearing for the petitioner submits that the petitioner was arrayed as an accused falsely. The petitioner did not commit any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner is the owner of the tipper lorry bearing Registration No.TN 20 AF 3661. He illegally transported 2.5 units of M-sand in that lorry. The petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner is the owner of the tipper lorry bearing Registration No.TN 20 AF 3661. The petitioner has no previous case. The petitioner has permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the above and considering the nature of the offences alleged against the petitioner and 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:

(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 No.V, Madurai, 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) 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 No.V, Madurai;



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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 and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.V, Madurai;

(v) The petitioner 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 petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].



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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.

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TO

- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
OOMACHIKULAM POLICE STATION,
OOMACHIKULAM, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s. AJMAL ASSOCIATES, (SR-1562[I] dated 12/02/2025)

ORDER IN
CRL OP(MD) No.2543 of 2025
Date :10/02/2025

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

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

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