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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2541 of 2025

Muruganantham

... Petitioner / Accused No.1

Vs.

The State rep by,
The Inspector of Police,
Madagupatti Police Station,
Sivagangai District.
(Crime No.270 of 2024)

... Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS praying to enlarge the petitioner on anticipatory bail in connection with the case in Crime No.270 of 2024 on the file of the respondent police.

For Petitioner : Mr.R.Balamuruganantham

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



ORDER: The Court made the following order :-

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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 petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.270 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 27.10.2024 at about 01.00 p.m., based on the information, when the Village Administrative Officer, Keelankottai along with the Village Assistant, was conducting inspection, they found the accused persons illegally excavating and transporting 1 ½ units of river sand in a lorry bearing Registration No.TN-75-A-0162. On seeing the police, the petitioner/A1, the owner of the lorry, fled from the place. A2, the driver of the lorry, was apprehended by them. The vehicle was seized and handed over to the police by VAO. Hence, the case.

4. Mr.R.Balamuruganantham, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an



order of pre-arrest bail to the petitioner.

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5. Per contra, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally 2 accused persons in this case and the petitioner has been arrayed as Accused No.1. He further submits that there are four previous cases against the petitioner, out of which, two cases are disposed and two cases are pending. He further submits that the petitioner has no previous case similar to that of this case. 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, the nature of the offence, the quantity of river sand alleged to have been excavated and transported by the petitioner and also considering the fact that the petitioner has permanent residence and deep roots in the society due to which there is less possibility of absconding and taking note of the fact that there are no previous cases against the petitioner in similar nature and also with a view to give one more opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Sivagangai,



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Sivagangai 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) 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.II, Sivagangai, Sivagangai 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) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

(iv) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

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

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TO

1 THE JUDICIAL MAGISTRATE NO.II,
SIVAGANGAI,
SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
MADAGUPATTI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-1680[I] dated
14/02/2025)



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ORDER

IN

CRL OP(MD) No.2541 of 2025

Date :13/02/2025

NBF / SKN /SAR-II (19/02/2025) 6P/6C

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