



CRL OP(MD). No.2577 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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N.Esakkiappan

... Petitioner/ Accused not known

Vs

The State of Tamil Nadu,
Rep by the Sub Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.116 of 2025

... Respondent/Complainant

For Petitioner : Mr.S.Krishna Kumar

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.116 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.02.2025

<https://www.mhc.tn.gov.in/judis>



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under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

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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 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.116 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 29.01.2025, at about 07.50 a.m., the Special Deputy Tahsildar (Minerals), Geology and Mines Department, Tirunelveli along with the Special Revenue Inspector (Minerals), Radhapuram during inspection near Railway Subway, Sathankulam, found the petitioner (driver) illegally transporting 5 units of M-sand in a vehicle bearing Registration No.TN 72 CV 4431 without any valid transit pass. On seeing them, the petitioner stopped the vehicle and escaped from the place of occurrence. The vehicle was seized by them and handed over to the respondent-Police. Hence, the case.

4. Mr.S.Krishna Kumar, learned counsel appearing for the petitioner submits that the petitioner was arrayed as an accused falsely. The petitioner did not commit



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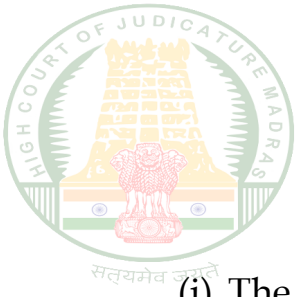
any offence as alleged by the prosecution. Hence, he prays for grant of pre-arrest bail to the petitioner.

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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 A1 and the application filed by A2 for pre-arrest bail was dismissed by this Court. He submits that the petitioner is the driver of the vehicle and he illegally transported 5 units of M-sand without any valid transit pass. The petitioner has no previous case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner is the driver of the vehicle bearing Registration No.TN 72 CV 4431. 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, 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, Valliyoor, Tirunelveli 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) 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, Valliyoor, Tirunelveli 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 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, Valliyoor, Tirunelveli District;

(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,



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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].

8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
12/02/2025

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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
VALLIYOOR, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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ORDER
IN
CRL OP(MD) No.2577 of 2025
Date :12/02/2025

SS/SKN/SAR- /20/02/2025/ 6P/5C

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