



CRL OP(MD). No.2605 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

CRL OP(MD). No.2605 of 2025

1.Ayyappan
2.M.Jayaveeranan

...first Petitioner / A2
... second Petitioner/ Accused Rank Not Known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thirumangalam Taluk Police Station,
Madurai District.
Crime No.19 of 2025

... Respondent/Complainant

For Petitioners : Mr.B.Arun

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

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



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 07.02.2025 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 read with Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.19 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.01.2025, at about 05.30 p.m., during vehicle check up on Thirumangalam Bypass Road near Kattrampatti, the Revenue Divisional Officer found the accused persons illegally transporting 12 units (6 + 6) vandal sand from Melanesaneri Kanmaai in two Tipper Lorries bearing Registration Nos.TN 58 BE 4590 and TN 16 F 1413. Hence, the case.

4. Mr.B.Arun, learned counsel appearing for the petitioners, submits that the petitioners were arrayed as accused falsely. The petitioners did not commit any



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

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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioners are A2 and A4. A2 is the driver of the vehicle bearing Registration No.TN 58 BE 4590 and A4 is the owner. The petitioners illegally transported 6 units of vandal sand from Melanesaneri Village Kanmaai in their lorry. Apart from that, another lorry, which was carrying 6 units of vandal sand was seized. The petitioners have 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 petitioners have been arrayed as A2 and A4. A2 is the driver of the vehicle bearing Registration No.TN 58 BE 4590 and A4 is the owner. The petitioners have no previous case. The petitioners have permanent residence and deep roots in the Society. Therefore, there is less possibility of absconding. Considering the above and considering the fact that the petitioners are first time offenders 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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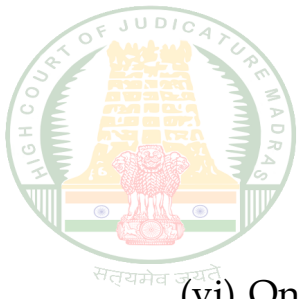
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Thirumangalam, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty 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, Thirumangalam;

(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 weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders;

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

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



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(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 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
THIRUMANGALAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
THIRUMANGALAM TALUK POLICE STATION,
MADURAI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.2605 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