

CRL OP(MD). No.2628 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 25/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2628 of 2025

Sambath

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,  
Rep by the Inspector of Police,  
Thirupalaikudi Police Station,  
Ramanathapuram District.  
Crime No. 14/2025.

... Respondent/Complainant

For Petitioner : Dr. R.Alagumani

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.14 of 2025 on the file of the respondent-Police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 07.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioner/Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 303(2) of IPC and Section 21(1) of Tamil Nadu Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.14 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 05.02.2025, at about 11:00 p.m., when the Sub Inspector of Police, along with Constable, was conducting routine vehicle check-up, they found that the petitioner was illegally transporting 2 gunny bags of river sand in his TVS Radeon two-wheeler. On seeing the police, the petitioner fled from the place of occurrence. However, the police seized the property only. Hence, this case.

4. Dr. R.Alagumani, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as



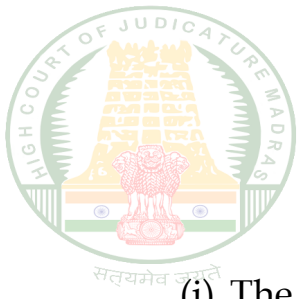
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alleged by the prosecution. He further submits that a false case has been foisted against the petitioner. He however submits that the petitioner is ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner has nine previous cases, out of which, two cases are similar in nature. He further submits that if this Court grants pre-arrest bail to the petitioner, he will commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has nine previous cases, out of which, only two cases are similar in nature. Considering the same and also considering the facts and circumstances of the case and the quantity of the sand allegedly transported by the petitioner, and with a view to give one more 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:



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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, Thiruvadanai, Ramanathapuram, 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.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand Only) to the satisfaction of the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(iii) 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, Thiruvadanai, Ramanathapuram, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram;

(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(vi) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him



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from disclosing such facts to the Court or to any police officer;

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(vii) The petitioner shall not leave India without previous permission of the Court;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thiruvadanai, Ramanathapuram, 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].

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

sd/-  
25/02/2025

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/03/2025  
Sub-Assistant Registrar (C.S. I / II / III / IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

APD  
TO

1 THE JUDICIAL MAGISTRATE  
THIRUVADANAI RAMANATHAPURAM



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2 DO-THROUGH :

THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.

3 THE INSPECTOR OF POLICE,  
THIRUPALAIKUDI POLICE STATION,  
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.DR.R.ALAGUMANI, Advocate ( SR-2160[I] dated 26/02/2025 )

ORDER

IN

CRL OP(MD) No.2628 of 2025

Date :25/02/2025

SS/SKN/SAR- /07/03/2025/ 6P/6C

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