



CRL OP(MD). No.2615 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.2615 of 2025

L.Prabhu

... Petitioner/ Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Thirupachethi Police Station,
Sivagangai District.
Crime No.19 of 2025

... Respondent/Complainant

For Petitioner : Mr.K.C.Ramalingam

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.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.02.2025 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 Sections 303(2) and 326(a) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) 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 24.01.2025, on receiving information, the Village Administrative Officer along with the Village Assistant reached the place of occurrence at about 12.00 noon. At that time, the petitioner and two other accused came in separate two wheelers each carrying 5 cement bags full of *river sand*. On seeing the officials, they attempted to escape. The officials caught hold of two persons and the present petitioner escaped from the place of occurrence leaving his vehicle. The two wheelers were seized and handed over to the respondent-Police.

Hence, the case.



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4. Mr.K.C.Ramalingam, learned counsel appearing for the petitioner, submits that the petitioner was arrayed as 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.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner and other accused persons illegally transported river sand in separate two wheelers each carrying 5 cement bags full of *river sand*. 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 has permanent residence and deep roots in the society and hence, there is less possibility of absconding. Considering the above and nature of the offences alleged against the petitioner and also considering the fact that the petitioner is a first time offender 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



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petitioner subject to the following conditions:

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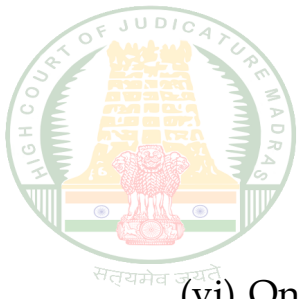
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (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 District Munsif cum Judicial Magistrate, Thiruppuvanam;

(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 daily at 10.00 a.m. until further orders;

(iv) The petitioner shall furnish his residence address and mobile number to the learned District Munsif cum Judicial Magistrate, Thiruppuvanam.

(v) The petitioner 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 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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUPPUVANAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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+1 CC to M/s.K.C.RAMALINGAM, Advocate (SR-1582[I] dated 12/02/2025)

ORDER

IN

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Date :12/02/2025

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

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