



CRL.OP(MD). No.2727 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2727 of 2025

Logananth

... Petitioner / Accused

Rank Not Known

Vs.

The State rep by,
The Inspector of Police,
Thiruvaiyaru Police Station,
Thanjavur District.
(Crime No.28 of 2025)

... 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.28 of 2025 on the file of the respondent police.

For Petitioner : Mr.M.Prabu

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 10.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL.OP(MD). No.2727 of 2025

WEB COPY

2. The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.28 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 09.02.2024, the respondent-police when on patrol duty, the petitioner and other accused persons were illegally excavating and transporting 7 units of *jalli* in an Ashok Leyland Tipper Lorry bearing Registration No.TN-88-J-5580 without any valid permission. On seeing the police, the accused persons fled from the scene of occurrence. Hence, the case.

4. Mr.M.Prabu, 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 and he has been falsely implicated in this case. 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.

5. *Per contra*, Mr.K.Sanjay Gandhi, the learned Government Advocate (Criminal



CRL.OP(MD). No.2727 of 2025

Side) appearing for the respondent-police, submits that there are no previous cases against the petitioner. He further submits that the petitioner along with other accused persons has illegally excavated and transported 7 units of *jalli* without any valid permission. Accordingly, 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 *jalli* 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 and therefore, there is less possibility of absconding and taking note of the fact that there are no previous cases against the petitioner and also with a view to give an 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, Thiruvaiyaru,

Thanjavur District, within a period of 15 days from date on which the order copy is



CRL.OP(MD). No.2727 of 2025

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, Thiruvaiyaru, Thanjavur 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 weekly once i.e., on Monday 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



CRL.OP(MD). No.2727 of 2025

WEB COPY

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]*.

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

sd/-
13/02/2025

/ TRUE COPY /

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

PAL

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM
- 3 THE INSPECTOR OF POLICE,
THIRUVAIYARU POLICE STATION,
THANJAVUR DISTRICT.



CRL.OP(MD). No.2727 of 2025

WEB COPY

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

ORDER
IN
CRL OP(MD) No.2727 of 2025
Date :13/02/2025

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