



CRL OP(MD). No.2820 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2820 of 2025

1.Andi,
S/o.Vanni,
No.105, Pasangarai,
Sakkanthi Post,
Sivagangai Taluk,
Sivagangai District.

2. Silamparasan,
S/o.Chandran,
No.955, Manakudi,Ponnakulam,
Sakkanthi, Sivagangai Taluk,
Sivagangai District.

... Petitioners/ Accused Nos.3 & 4

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.
Crime No.23/2025

... Respondent/Complainant



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For Petitioners : Mr.Jeyaram Sidharth.N,
Advocate
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

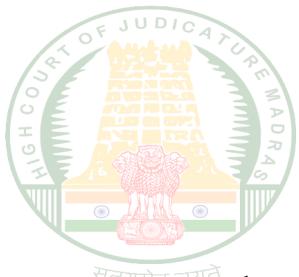
PRAYER :-

For Anticipatory Bail in Crime No.23/2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 12.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.23 of 2025 on the file of the respondent-Police.

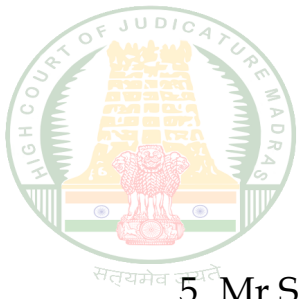


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3. The case of the prosecution is that on 23.01.2025, at around 11:00 a.m., based on a complaint lodged by the Village Administrative Officer, the respondent-Police registered a case against the petitioner in Crime No. 23 of 2025. The allegation against the petitioners is that they along with other persons were illegally excavating and transporting one unit of well sand using a tractor with a trailer bearing Registration No. TN-63-BT-4935, while another tractor bearing Registration No. TN-63-BB-4908 was also being prepared to load well sand from the agricultural land of one Malaichamy, without a valid license or permission. Thereafter, the defacto complainant intercepted the vehicle and requested the permit documents for loading the sand. The drivers of the vehicles confessed that the petitioners were the owners of the vehicles. Hence, the case.

4. Mr.N.Jeyaram Sidharth, learned counsel appearing for the petitioners, submits that the petitioners are the owners of the vehicles and apart from that, they have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays to grant pre-arrest bail to the petitioners.



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5. Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there are no previous cases against the petitioners. He further submits that there are four accused persons in this case and the petitioners have been arrayed as Accused Nos.3 and 4. He further submits that if pre-arrest bail is granted to the petitioners, they will commit similar offence. Hence, he vehemently opposes to grant pre-arrest bail to the petitioners.

6. Heard on both sides. This Court has perused the First Information Report.

6. On perusal of the First Information Report, it reveals the fact that the petitioners did not commit any offences as alleged by the prosecution. Considering the same, and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding and taking note of the fact that the petitioners are first offenders and also with a view to give an opportunity to the petitioners, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their

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arrest or in the event of their surrender before the learned Judicial Magistrate II, Sivagangai 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) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Magistrate II, Sivagangai;

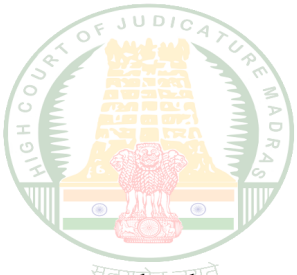
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate II, Sivagangai shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(iv) The petitioners 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 from disclosing such facts to the Court or to any police officer.

(v) The petitioners shall furnish their residential address and mobile number

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to the learned Judicial Magistrate II, Sivagangai.
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(vi) On breach of any of the aforementioned conditions, the learned Judicial 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 him as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283]*.

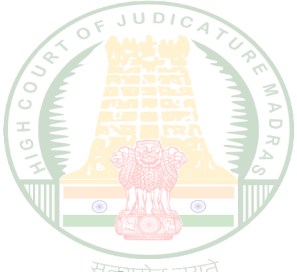
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated *supra*.

sd/-
06/03/2025

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

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TO

1.The Judicial Magistrate II, Sivangai.

2. Do - Through the Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.2820 of 2025
Date : 06/03/2025

VN (26/03/2025) 7P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.