



CRL OP(MD). No.2814 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2814 of 2025

Periyathambi

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Crime No.21 of 2025).

... Respondent/Complainant

For Petitioner : Mr.K.Arunraj

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.21 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 petitioner on 12.02.2025 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 Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(4) of Mines and Minerals (Development & Regulations) Act, 1957, in Crime No.21 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 01.02.2025, at about 17:00 hour, when the defacto complainant, the Sub-Inspector of Police, along with his team was conducting vehicle check-up near Kaduvetti Bus Stop, they found that the petitioner was illegally excavating and transporting $\frac{1}{2}$ unit of *river sand* in Bolero Pickup bearing registration No.TN-91-V-6880. On seeing the police, he fled from the place of occurrence leaving the vehicle behind. The vehicle was seized. Hence, this case.



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4. Mr.K.Arunraj, the learned counsel appearing for the petitioner, submits that the petitioner/sole accused is an innocent person and he has not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioner. 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 one previous case, which is not similar in nature. 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 same and considering the facts and circumstances of the case and the nature of the offence and taking note of the fact that the petitioner has one previous case, which is also not similar in nature, and with a view to give one more opportunity to the petitioner, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the



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event of his surrender before the learned District Munsif-cum-Judicial Magistrate, Thottiyam, 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) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Thottiyam;

(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 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 District Munsif-cum-Judicial Magistrate, Thottiyam;

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

(vi) On breach of any of the aforementioned conditions, the learned District Munsif-cum-Judicial Magistrate, Thottiyam, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if



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the aforementioned conditions are imposed by him as laid down by the Hon-ble
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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/-
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/02/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THOTTIYAM.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI.
 - 3 THE INSPECTOR OF POLICE,
KATTUPUTHUR POLICE STATION,
TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.ARUNRAJ, Advocate (SR-1675[I] dated 14/02/2025)



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ORDER

IN

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Date :14/02/2025

SS/SKN/SAR- /25/02/2025/ 6P/6C

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