



CRL OP(MD). No.2959 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 18/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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M.Raju

... Petitioner/ Accused

rank not known

Vs

The State of Tamil Nadu,  
Rep.By, the Sub Inspector of Police,  
Karur Town Police Station,  
Karur District.  
(In Crime No.939/2024).

... Respondent/Complainant

For Petitioner : Mr.Sathiaraj.J,  
Advocate.

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.939 of 2024 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 14.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent - police for the offence punishable under Sections 303(2) of BNS, 2023 r/w. 21(1) of MMDR Act in Crime No.939 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 16.12.2024 at about 6.30 pm, when the defacto complainant, the Assistant Geologist of Mines and Minerals Department along with other officials, was conducting vehicle check-up near Veluchamipuram, Karur to Erode Main road, they found that the petitioner herein was illegally excavating and transporting 4 units of river Sand in a Lorry bearing Regn.No.TN-34 E-0820 using the permission for transport of M-sand and the same have been seized. The driver of the vehicle was arrested. Hence, the case.

4. Mr.J.Sathiyaraj, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by



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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. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner is the owner of the Lorry and that the petitioner has one previous case, which was already disposed of. He further submits that the investigation of the case is pending. Therefore, he contends that, if the petitioner is granted pre-arrest bail, he will cause threat to the defacto complainant and witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the above and also considering the facts and circumstances of the case and taking note of the fact that the vehicle along



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with the sand has been seized and with a view to give one more opportunity to reform himself, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Karur, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Thousand only) to the satisfaction of the said Magistrate.

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



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

(v) 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 from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) 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 petitioner in accordance with law as if the aforementioned conditions are



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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/-  
18/02/2025

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

TRP

TO

1 THE JUDICIAL MAGISTRATE NO.I  
KARUR.

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE SUB INSPECTOR OF POLICE,  
KARUR TOWN POLICE STATION,  
KARUR DISTRICT.

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

+1 CC to M/s.J.SATHIARAJ, Advocate ( SR-1804[I] dated 18/02/2025 )



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ORDER

IN

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Date :18/02/2025

SS/SKN/SAR- /28/02/2025/ 7P/6C

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