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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.2881 of 2025

1. Murugapandi

2.Sankar

... Petitioners / Accused Nos.3 and 4

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
Chathirakudi Police Station,  
Ramnad District.  
(Crime No.24 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the  
petitioners in Crime No.24 of 2025 on the file of the respondent-police.

For petitioners : Mr.D. Senthil, Advocate

For Respondent : Mr.S.S.Manoj  
Government Advocate  
(Criminal Side)



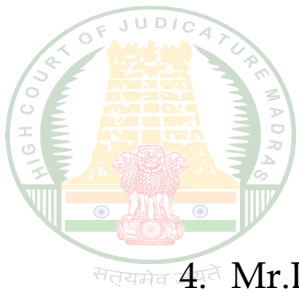
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**ORDER** : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 13.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / accused No.3 and 4, apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS r/w.21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.24 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on receiving the secret information, the Village Administrative Officer and Thalayari of the Muthalur Village, conducted a vehicle check-up. At that time, the petitioners herein were illegally excavating and transporting one unit of river sand using a Two Wheeler bearing Regn.No.TN 65-A4 7813 belong to A3. On verification it was revealed that the petitioners used to store river sand on the land belonging to A4 and same was seized. Hence, the case.



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4. Mr.D.Senthil, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there is no previous case pending against the petitioners. He further submits that the investigation of the case is pending and therefore, at this stage, if the petitioners are granted pre-arrest bail, they may commit similar offence and tamper with the evidence. Hence, 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 petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering



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the facts and circumstances of the case and taking note of the fact that there are no previous cases pending against the petitioners and with a view to give an opportunity to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.

(i) The petitioners shall be released on pre-arrest bail in the event of his arrest or in the event of their surrender before the learned Judicial Magistrate, Paramakudi, 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 Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five 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 petitioners shall appear and sign before the respondent-police daily at 10.00 am until further orders;



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

(v) 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.

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

(vii) The petitioners shall also not cause threat to the defacto complainant and tamper with the evidence.

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



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(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 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/-  
17/02/2025

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

trp

TO

1 THE JUDICIAL MAGISTRATE,  
PARAMAKUDI.

2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE,  
RAMNAD DISTRICT.



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3 THE INSPECTOR OF POLICE  
CHATHIRAKUDI POLICE STATION,  
RAMNAD DISTRICT .

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

+1 CC to M/s.D.SENTHIL, Advocate ( SR-1740[I] dated 17/02/2025 )

ORDER IN  
CRL OP(MD) No.2881 of 2025  
Date :17/02/2025

ES/SKN/SAR /03.03.2025/7P/6C

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