



CRL.OP(MD). No.2918 of 2025

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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.2918 of 2025

Periaayya

... Petitioner / sole accused

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
(Crime No.77 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 petitioner in Crime No.77 of 2025 on the file of the respondent-police.

For Petitioner : Mr.R.L.Dhilipan Pandian

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

ORDER : The Court made the following order :-

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



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2. The petitioner / sole accused apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS r/w.21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.77 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 13.01.2025, when the respondent-Police were on patrol duty, they found that the petitioner herein was illegally excavating and transporting $\frac{1}{4}$ unit of river sand in a bullock cart. On seeing the Police, the petitioner fled from the place. The bullock cart along with the river sand has been seized. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, 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. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side)



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appearing for the respondent-police, submits that the petitioner has no previous case and the petitioner, owner of the bullock cart, has excavated and transported $\frac{1}{4}$ unit of river sand. He further submits that the investigation of the case is pending. 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 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 same and also considering the facts and circumstances of the case and also taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform herself, 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.III, Thanjavur, within a period of 15 days from date on which the order copy is made ready, on



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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 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 am until further orders;

(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.



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

(vii) The petitioner shall also 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 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/-

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Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.III
THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
AYYAMPETTAI POLICE STATION, THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.2918 of 2025

Date :17/02/2025

SS/SKN/SAR- /04/03/2025/ 6P/5C

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