



CRL OP(MD). No.2952 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Anand
2.Palsingh

... Petitioners/ Accused Nos.2 & 4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli.
Cr. No.136 of 2025.

... Respondent/Complainant

For Petitioners : Mr.N.Pragalathan

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.136 of 2025 on the file of the respondent-Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 14.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused Nos.2 & 4 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(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.136 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 06.02.2025, at about 4.00 p.m., when the defacto complainant, Village Administrative Officer, Perungudi Part-I, was on surveillance on Radhapuram-Kavalkinaru road, they found that the other accused persons/A1 and A3 were illegally excavating and transporting gravel sand in two lorries, bearing registration Nos.TN-58-AZ-1680 and TN-75-AT-6399, using the expired permit. Based on the confession of A1 and A3, the petitioners have been arrayed as A2 and A4, as the owner of the lorries. The respondent-police seized the gravel sand along with the lorries. Hence, this case.

4. Mr.N.Pragalathan, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as



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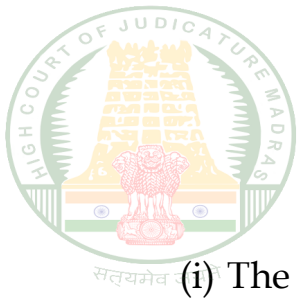
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alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that the petitioners and other accused persons were illegally excavating and transporting gravel sand. He further submits that the first petitioner/A2 has one previous case and the second petitioner/A4 has no previous case. He however submits that if pre-arrest bail is granted to the petitioners, they may commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. The first petitioner/A2 has one previous case and the second petitioner/A4 has no previous case. The respondent-police seized the gravel sand, along with two lorries. Considering the same, and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioners, and with a view to give one more opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:



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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Valliyoor, Tirunelveli, 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) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Valliyoor, Tirunelveli;

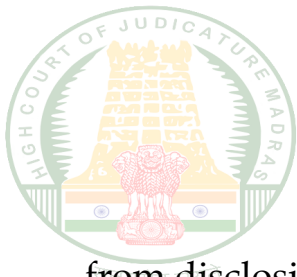
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Valliyoor, Tirunelveli shall obtain a copy of any one of identity proofs to ensure their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

(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Valliyoor, Tirunelveli;

(iv) The petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

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

(vi) 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



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from disclosing such facts to the Court or to any police officer;

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(vii) The petitioners shall not leave India without previous permission of the Court;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Valliyoor, Tirunelveli, 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].

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

sd/-
07/03/2025

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

apd
TO

1 THE JUDICIAL MAGISTRATE
VALLIYOOR, TIRUNELVELI

<https://www.mhc.tn.gov.in/judis>



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2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION, PANAGUDI,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2566[I] dated 10/03/2025)

ORDER
IN

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Date :07/03/2025

HPS/SAR / 27.03.2025/6P/6C

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