



CRL OP(MD). No.2992 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.2992 of 2025

Sivan Pandian

... Petitioner/ Accused Rank Not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Manimuthar Police Station,
Manimuthar,
Tirunelveli District.
(Crime No. 105 of 2024).

... Respondent/Complainant

For Petitioner : Mr.N.Vignesh

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

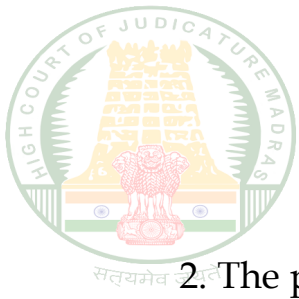
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 105 of 2024 on the file of the respondent-Police.

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 Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.



CRL OP(MD). No.2992 of 2025

WEB COPY

2. The petitioner apprehends 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.105 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 09.09.2024 at about 1.30 p.m., when the defacto complainant along concerned Village Assisstant conducted an inspection near Malavarayankulam Tank at Ayan Singampatti Village, they found that the accused persons have illegally excavated and transported 204 units of pond soil by using three tractors bearing Registration Nos. TN-72-CX-3990, TN-79-AV-1929 and TN-92-L-0911 beyond the extent permitted by the Tashildar, Ambasamuthiram Taluk, on 21.08.2024. Hence, the case.

4. Mr.N. Vignesh, learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution, and the petitioner has transported only the extent permitted by the Tahsildar. He further submits that the petitioner is ready to obey the conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.

5. Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police submits that though the petitioner was permitted to excavate on 99 units of pond soil, he illegally excavated and transported 204 units of pond soil by



CRL OP(MD). No.2992 of 2025

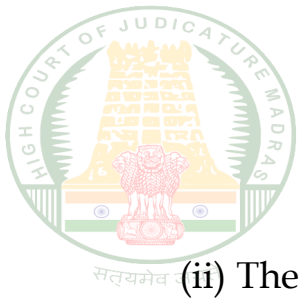
WEB COPY

using three tractors bearing Registration Nos. TN-72-CX-3990, TN-79-AV-1929 and TN-92-L-0911 without any permission. He further submits that two previous cases are pending against the petitioner which are 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 hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the allegation against the petitioner that the petitioner has violated the conditions of permission by excavating and transporting the pond soil beyond the extent permitted by the Tahsildar and with a view to give an opportunity to the petitioner 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Ambasamudram, within a period of 15 days from the date on which this 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 Judicial Magistrate, Ambasamudram.



CRL OP(MD). No.2992 of 2025

WEB COPY

(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 Judicial Magistrate, Ambasamudram;

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

(vi) 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;

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

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Ambasamudram, or Trial Court as the case may be, is entitled to pass



CRL OP(MD). No.2992 of 2025

appropriate orders against the petitioner in accordance with law as if the
WEB COPY
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/-
18/02/2025

/ TRUE COPY /

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

LR
TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.

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

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

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

+1 CC to M/s.N.VIGNESH, Advocate (SR-1818[I] dated 19/02/2025)

ORDER IN
CRL OP(MD) No.2992 of 2025
Date :18/02/2025

RS/SKN/SAR-(05.03.2025) 5P 6C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023

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