



CRL OP(MD). No.2989 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

CRL OP(MD). No.2989 of 2025

Gunasekar

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,,  
Rep. by the Inspector of Police,  
Vattathikottai Police Station,  
Thanjavur District.  
(Crime No. 42 of 2025).

... Respondent/Complainant

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

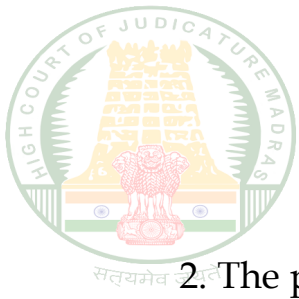
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.42 of 2025 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.



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

3. The case of the prosecution is that on 08.02.2025 at about 06.00 a.m., when the respondent-Police were patrolling to prevent the theft of river sand near Vadapathy Kallantheru, Neiyveli, the police found that the petitioner has illegally transported 1/4 unit of river sand by using bullock cart without any valid license or permission. On seeing the Police, the petitioner fled from the place leaving the bullock cart behind. The police seized the same. Hence, the case.

4. Mr.B.Anandan, learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution, and the respondent-Police registered the case only for statistical purpose. He however 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 the petitioner has illegally transported 1/4 unit of river sand by using bullock cart without any valid license or permission. He further submits that two previous cases are pending against the petitioner, out of which one



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case is similar in nature. Accordingly, he prays to dismiss this Criminal Original  
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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 nature of the offence, the quantity of river sand allegedly excavated and transported by the petitioner and with a view to give one more 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, Pattukkottai, 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, Pattukkottai.

(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



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Practice, 2019]. The learned Judicial Magistrate shall obtain a copy of any one of  
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identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Pattukkottai;

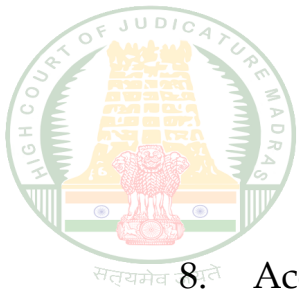
(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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; and

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



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

sd/-  
18/02/2025

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/03/2025

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

LR

TO

- 1 THE JUDICIAL MAGISTRATE, PATTUKKOTTAI.
- 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, VATTATHIKOTTAI POLICE STATION,  
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.ANANDAN, Advocate ( SR-1825[I] dated 19/02/2025 )

ORDER  
IN

CRL OP(MD) No.2989 of 2025

Date :18/02/2025

RS/SKN/SAR-(05.03.2025) 5P 6C

Madurai Bench of Madras High Court is issuing  
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