



CRL OP(MD). No.3010 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**

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Premanandh

... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Vathalai Police Station,
Trichy District.
(Crime No. 40 of 2024).

... Respondent/Complainant

For Petitioner : Mr.M Boopathipandiyan,

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. 40 of 2024 on the file of the respondent-Police.



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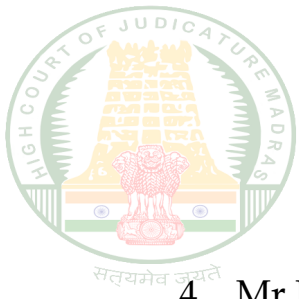
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ORDER : The Court made the following order :-

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.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 379 of IPC and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.40 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 18.03.2024 at about 07.00 a.m., based on the secret information, when the respondent-Police were patrolling to prevent the theft of river sand near Ayyan Canal Opposite to Petrol Bunk, Thiruvashi, the police found that the petitioner was illegally excavating and loading 2 units of river sand into a four wheeler bearing Registration No. TN-25 M 7312 without any valid license or permission. On seeing the Police, the petitioner fled from the place leaving the vehicle behind. The police seized the vehicle and registered the case.



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4. Mr.M.Boopathipandiyan, 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 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 excavated and was loading 2 units of river sand in a four-wheeler bearing Registration No. TN-25-M-7312 without any valid license or permission. He further submits that no previous case is pending against the petitioner. 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, the nature of the offence and the quantity of river sand allegedly excavated by the petitioner and taking note of the fact that the petitioner is the first offender and with a view to give an opportunity to the petitioner to reform himself,



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this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

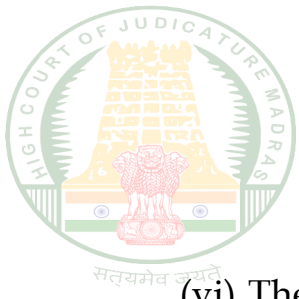
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Musiri, Trichy District, within a period of 15 days from the date on which, the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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, Musiri, Trichy District.

(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, Musiri, Trichy District;

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



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(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, Musiri, Trichy District, 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*.

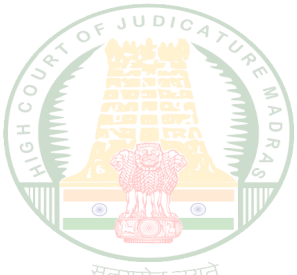
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18/02/2025

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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

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



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TO

1 THE JUDICIAL MAGISTRATE
MUSIRI, TRICHY DISTRICT.

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

3 THE INSPECTOR OF POLICE,
VATHALAI POLICE STATION,
TRICHY DISTRICT.

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

+1 CC to M/s.M.BOOPATHI PANDIYAN, Advocate (SR-1761[I] dated 18/02/2025)
ORDER

IN

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Date :18/02/2025

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

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