



CRL OP(MD). No.3023 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

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1. Jegan

2. Dinesh Pandi @ Dinesh

... Petitioners/ Accused Nos.3 & 4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirumangalam Town Police Station,
Madurai District.
(Cr. No. 55 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.N.Sathish Babu, Advocate.

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

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



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WEB COPY 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 petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.55 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 10.02.2025 at about 11.45 a.m., based on the secret information, when the respondent-Police were patrolling to prevent the theft of gravel sand near Kappalur Miracle Mahal, the police found that the petitioners were illegally excavating and loading 1 unit of gravel sand, in tipper lorry bearing Registration No. TN-45-AB-5979, without any valid license or permission. The Police arrested A1 and A2. Based on their confession, the petitioners have been arrayed as accused. Hence, the case.

4. Mr.N.Sathish Babu, learned counsel appearing for the petitioners, submits that the petitioners have not committed any offence as alleged by the prosecution; and the respondent-Police registered the case only for statistical purpose. He further submits that the petitioners are ready to obey the conditions to be imposed by this



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Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

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5. Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioners were illegally excavating and transporting 1 unit of gravel sand in tipper lorry bearing Registration No. TN-45-AB-5979 by using JCB without registration number, without any valid license or permission. He further submits that one previous case is pending against the petitioners. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have 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 gravel sand allegedly excavated by the petitioners, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(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, Thirumangalam, within a period of 15 days from 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) 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,



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Thirumangalam.

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(ii) Thereafter, the petitioners shall appear and sign before the respondent-Police on every Monday and Friday 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;

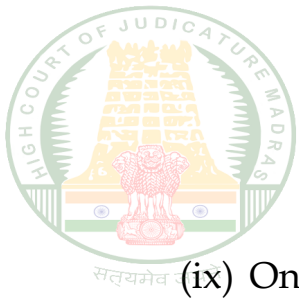
(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thirumangalam.

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

(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;



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

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

sd/-
18/02/2025

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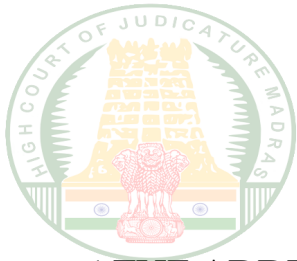
/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, THIRUMANGALAM.

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

3 THE INSPECTOR OF POLICE,
THIRUMANGALAM TOWN POLICE STATION,
MADURAI DISTRICT.



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

ORDER

IN

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Date :18/02/2025

LR

MK/SKN/04.03.2025 6P/5C

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