



CRL OP(MD). No.3123 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Senthilkumar,

2. Muthupandi,

3. Ayyanar,

4. Palraj,

5. Navaneetha Krishnan,

6. Manojpandi,

7. Sivakumar,

Vs

... Petitioners/ Accused No. 1 to 7

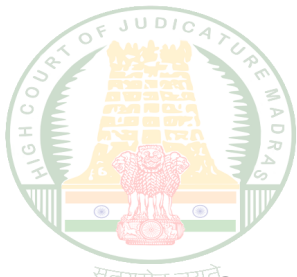
The Inspector of Police,
rep by, T Kallupatti Police Station,
Madurai District.

Crime No.18/2025.

... Respondent/Complainant

For Petitioners: Mr.S.Ramsundarvijayraj,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)



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PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

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PRAYER :-

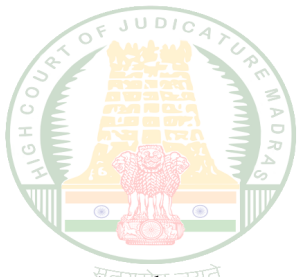
For Anticipatory Bail in Crime No.18/2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 17.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/Accused No.1 to 7 apprehend arrest at the hands of the respondent-Police for the alleged offences punishable under Section 303 (2) of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.18 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that based on the complaint given by the Panchayat Development Officer, T.Kallupatti, the respondent Police registered a case in Crime No.18 of 2025. In the FIR, it is alleged that permission was granted to 'ALR construction' for excavating sand to raise the level of the roads from Thirumangal to Vadukapatti National Highways for a period of three months. The said permission lapsed. Even after the lapse of three months, ALR construction continuously excavated and transported sand. On 25.01.2025, Block Development Officer and Zonal Deputy Block Development Officer, conducted search on the spot.



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At that time, the petitioners and other accused persons excavated and transported sand by using seven lorries from Kanmai, without any valid license or permission. On seeing the party, the petitioners dropped the sands and ran away. Thereafter, the respondent-Police seized the said lorries. Hence, the case.

4. Mr.S.Ramsundarvijayraj, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He further submits that the petitioners are willing to deposit some amount to the Green Committee, Madurai District. He therefore prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that even after lapse of permission period, the petitioners excavated transported sand by using seven lorries from Kanmai, without any valid license or permission. He further submits that the petitioners 1, 4 and 5 have one previous case, which is not similar in nature. The seventh petitioner has three previous previous cases, which are registered under IPC sections. As far as the petitioners 2 and 3 are concerned, they have no previous case. Accordingly, he prays to dismiss this Criminal Original Petition.



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

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7. Considering that the alleged illegally transported sand through seven lorries and the said vehicles have already been seized by the respondent police, this Court is of the view that the custodial interrogation of the petitioners is not necessary. Further, the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the above as well as the undertaking given by the petitioners that they are willing to deposit some amount to the Green Committee, Madurai District and also with a view to give one opportunity to reform themselves, 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 District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District, within a period of 15 days from 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.25000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District,;

(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



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Practice, 2019']. The learned District Munsif Cum Judicial Magistrate, Peraiyur, WEB COPY

Madurai District, shall obtain a copy of any one of identity proof of each surety to ensure their identity;

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

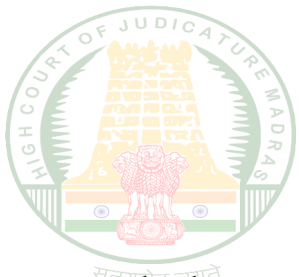
(iv) Each of the petitioners shall pay a sum of Rs.10,000/- (Rupees Ten Thousand only) in favour of the District Green Committee, Madurai District, without prejudice to their rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District, within 30 days from the date of receipt of copy of order.

(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 them from disclosing such facts to the Court or police;

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

(viii) The petitioners shall furnish their residential address and mobile number



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to the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District;
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(ix) The petitioners shall not, directly or indirectly, cause any threat to the witnesses and shall not tamper the evidence; and

(x) On breach of any of the aforementioned conditions, the learned District Munsif Cum Judicial Magistrate, Peraiyur, Madurai District, or Trial Judge and 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 them 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/-

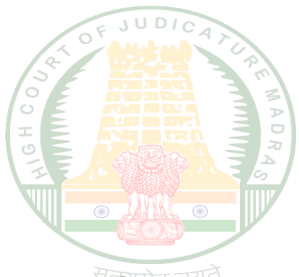
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/ /2025

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

vsg



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TO
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1.The learned District Munsif Cum
Judicial Magistrate, Peraiyur,
Madurai District.

2.Do Through
The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
T Kallupatti Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.RAMSUNDARVIJAYRAJ, Advocate (SR-4647[I] dated
23/04/2025)

ORDER

IN

CRL OP(MD) No.3123 of 2025

Date : 22/04/2025

BV(27/05/2025) 7P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.