



CRL OP(MD). No.3125 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Alagarsamy
2. Jeyakumar
3. Aandavar

... Petitioners/ Accused Nos.1 to 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Rajathanai Police Station,
Theni District.
Crime No. 35/2025

... Respondent/ Complainant

For Petitioners : Mr.M.Prabu, 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.35 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 petitioners on 17.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant



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an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 (379 of IPC) and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.35 of 2025 on the file of the respondent police.

3. The case of the prosecution is that on 15.02.2025 at about 11.00 a.m., when the respondent-Police were patrolling to prevent the theft of sand, the police found that the petitioners have illegally excavated and transported 4 units of savudu sand by using tipper lorry bearing registration No.TN-36- BZ-3975, tractor without number plate with trailer bearing registration No.TN-94-Z-7218 and tractor without number plate with trailer bearing registration No.TN-60-AF-8192, without any valid license or permission. Hence, the case.

4. Mr.M.Prabhu, 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 therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have illegally



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excavated and transported 4 units of savudu sand by using tipper lorry, tractors and trailers. He further submits that there are no previous cases against the petitioners.

However, 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 deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the quantity of savudu sand allegedly excavated and transported by the petitioners and considering the fact that the petitioners are first offenders and with a view to give an 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 pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Aundipatti, Theni 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.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Aundipatti, Theni 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 Judicial Magistrate, Aundipatti, Theni District shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(v) 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;

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

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Aundipatti, Theni District;

(viii) The petitioners 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, Aundipatti, Theni District 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



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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.

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19/02/2025

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/03/2025

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

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TO

- 1 THE JUDICIAL MAGISTRATE, AUNDIPATTI, THENI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE, RAJATHANAI POLICE STATION,
THENI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN
CRL OP(MD) No.3125 of 2025
Date :19/02/2025

RS/SKN/SAR-(05.03.2025) 5P 5C
Madurai Bench of Madras High Court is issuing
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