



CRL OP(MD). No.3142 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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M.Mohan,
S/o Moventhiran,
4/83A, LG Nagar,
Mahatma Gandhi Street,
Karadipatti,
Madurai 625 109.

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Usilampatti Taluk Police Station,
Madurai District.
Crime No. 30/2025.

... Respondent/ Complainant

For Petitioner : Mr.Ajith Kumar.M,
Advocate.

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



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WEB COPY PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.30 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 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 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(5) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.30 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 15.02.2025, when the respondent police were patrolling to prevent the theft of sand, the police found that the petitioner has illegally excavated and transported 3 units of M-sand by using vehicle bearing registration No.TN-57-S-2030 without any valid license or permission. Hence, the case.

4. Mr.M.Ajith Kumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by



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the prosecution and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has illegally excavated and transported 3 units of M-sand by using vehicle bearing registration No.TN-57-S-2030 without any valid license or permission. He further submits that there are three previous cases pending against the petitioner and they are not similar in nature. Accordingly, 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 deep roots in the society and therefore, there is less possibility for absconding. Considering the same and also considering the quantity of M-sand allegedly excavated and transported by the petitioner and taking note of the fact that as far as in this type of crime is concerned, the petitioner is the first offender and with a view to give an opportunity 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 pre-arrest bail in the event of his arrest or

in the event of his surrender before the learned Judicial Magistrate No.I, Usilampatti,



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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) 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 No.I, Usilampatti;

(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 Practice, 2019']. The learned Judicial Magistrate No.I, Usilampatti shall obtain a copy of any one of identity proofs to ensure their identity;

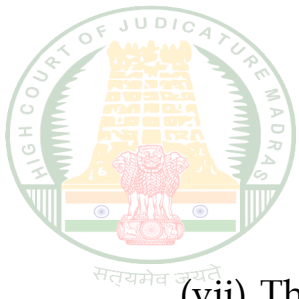
(iii) The petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

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

(V) 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;

(vi) The petitioner shall not leave India without the previous permission of the

Court;



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(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Usilampatti;

(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 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*.

sd/-
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.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.I
USILAMPATTI.



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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
USILAMPATTI TALUK POLICE STATION,
THENI DISTRICT.

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

+1 CC to M/s.M.AJITH KUMAR, Advocate (SR-1951[I] dated 21/02/2025)

ORDER

IN

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Date :19/02/2025

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