



WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3718 of 2025

Mathiyalagan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Manikandam Police Station,
Trichy.
Cr. No.116 of 2024.

... Respondent/ Complainant

For Petitioner : Mr.B.Mahendrarajan

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

ORDER :- The Court made the following order :-
<https://www.mhc.tn.gov.in/judis>



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This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioner/A2 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(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No. 116 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 31.07.2024, at about 8.00 a.m., when the defacto complainant, Special Sub-Inspector, along with his team, was conducting vehicle check-up on Oolaiyur Ring Road, the police found that the petitioner and other accused person were illegally excavating and transporting five units of gravel sand in tipper lorry bearing registration No.TN-55-BT-7108. On seeing the police, the accused persons fled from the place of occurrence. The police seized the sand with lorry. Hence, this case.

4. Mr.B.Mahendrarajan, the learned counsel appearing for the petitioner, submits that this is the fifth pre-arrest bail application of the petitioner. He further submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the seized vehicle was under



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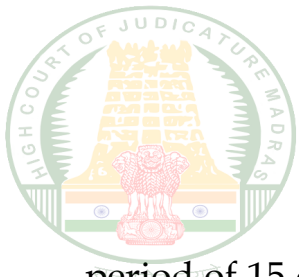
the custody of the respondent-police for the past eight months. He however submits that the petitioner is ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner was illegally transported five units of gravel sand. He further submits that the petitioner has five previous case, out of which four cases are similar in nature. He further submits that the vehicle, along with gravel sand, was seized by the respondent-police. 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. The seized vehicle is under the custody of the respondent-police, for the past eight months. Considering the same and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner and with a view to give one more opportunity to the petitioner 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.IV, Trichy, within a



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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 No.IV, Trichy;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. and 5.00 p.m., until further orders;

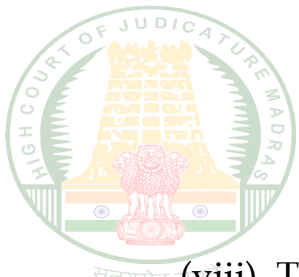
(iii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.IV, Trichy, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.IV, Trichy;

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

(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;



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(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 No.IV, Trichy, 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/-
27/02/2025

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

apd
TO

1 THE JUDICIAL MAGISTRATE NO.IV
TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY.

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

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



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

ORDER
IN
CRL OP(MD) No.3718 of 2025
Date :27/02/2025

NBF / SKN /SAR- (19/03/2025) 6P/5C

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