



CRL OP(MD). No.3225 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Muthumanickam

2.Aravinth

... Petitioners/ Accused Nos.1 and 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Maruvur Police Station,
Thanjavur District.
Crime No.18 of 2025

... Respondent/ Complainant

For Petitioners : Mr.R.L.Dhilipan Pandian

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.18 of 2025 on the file of the respondent-police.



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ORDER: The Court made the following order :-

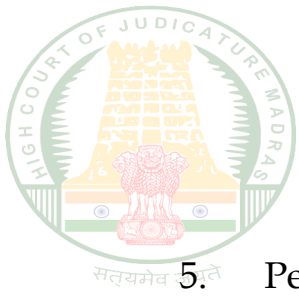
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This Criminal Original Petition has been filed by the petitioners on 18.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 read with 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 on 12.02.2025, while the defacto complainant and the officials were on patrolling duty, they found the petitioners and other accused illegally transporting 1/4 unit of river sand in a bullock cart without any license and permission. The bullock cart was seized and handed over to the respondent-Police. Hence, the case.

4. Mr.R.L.Dhilipan Pandian, learned counsel appearing for the petitioners, submits that the petitioners have been falsely implicated in this case. The petitioners did not commit any offence as alleged by the prosecution. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.



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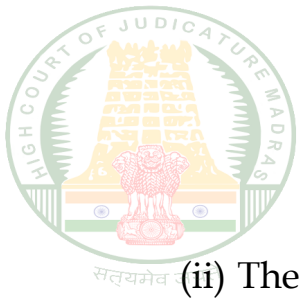
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5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioners, who are A1 and A3, illegally quarried and transported 1/4 unit of river sand from Cauvery River in a bullock cart without any valid licence or permission and that the petitioners have no previous case. 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 hence, there is less possibility of absconding. Considering the above and nature of the offences alleged against the petitioners and also considering the fact that the petitioners are first-time offenders and with a view to give an opportunity to the petitioners 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 Judicial Magistrate, Thiruvaiyaru, Thanjavur District, within a 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) 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, Thiruvaiyaru, Thanjavur District;



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(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 shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

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

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

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thiruvaiyaru, Thanjavur 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, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the



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petitioners in accordance with law as if the aforementioned conditions are imposed
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by them 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/-
20/02/2025

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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,
THIRUVAIYAR, THANJAVUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM

3 THE INSPECTOR OF POLICE,
MARUVUR POLICE STATION,
THANJAVUR DISTRICT.

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

+1 cc to MR.R.L.DHILIPAN PANDIAN ADVOCATE, SR NO:2023



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ORDER

IN

CRL OP(MD) No.3225 of 2025

Date :20/02/2025

mbi

MK/SKN/05.03.2025 6P/6C

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