



CRL OP(MD). No.3271 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.02.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3271 of 2025

Maharajan

... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
Crime No.407 of 2024

... Respondent/Complainant

For Petitioner : Mr.R.Muthuram

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.407 of 2024 on the file of the respondent-police.



CRL OP(MD). No.3271 of 2025

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 19.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) 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(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.407 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 24.12.2024, at about 04.15 p.m., the Officials of Geology and Mining Department Village during routine check up on Kayathar - Devarkulam road, near Kayathar Sengamala Udaiyar Sastha Temple, stopped two Taurus lorries bearing Registration Nos.TN 72 CA 9880 and TN 69 BP 1513 and on enquiry, found that sakkai stones, each measuring 18 cubic meters and total worth about Rs.25,000/- were transported in that lorries without any valid transit pass. The petitioner and another accused person, who were Drivers of that lorries, escaped from the place of occurrence leaving their vehicle. The lorries were seized and handed over to the respondent-Police. Hence, the case.



CRL OP(MD). No.3271 of 2025

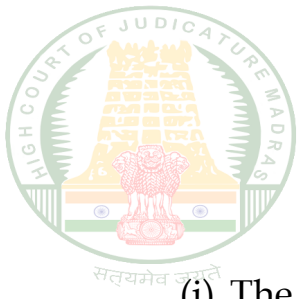
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4. Mr.R.Muthuram, learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in this case and he did not commit any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner and another accused illegally transported karungal worth about Rs.25,000/- and that the petitioner is the owner of the lorry. He further submits that the petitioner has 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 petitioner has 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 petitioner and also considering the fact that the petitioner is a first offender and with a view to give an 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:



CRL OP(MD). No.3271 of 2025

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(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.II, Kovilpatti, Thoothukudi 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) 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.II, Kovilpatti, Thoothukudi 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 Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) 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;

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



CRL OP(MD). No.3271 of 2025

WEB COPY

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

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District;

(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, concerned 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 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/-
21/02/2025

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

MBI



CRL OP(MD). No.3271 of 2025

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- TO
- 1 THE JUDICIAL MAGISTRATE NO.II
KOVILPATTI, THOOTHUKUDI DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
KAYATHAR POLICE STATION,
THOOTHUKUDI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.MUTHURAM, Advocate (SR-2011[I] dated 24/02/2025)

ORDER
IN

CRL OP(MD) No.3271 of 2025

Date :21/02/2025

SS/SKN/SAR- /07/03/2025/ 6P/6C

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