



CRL.OP(MD). No.3557 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3557 of 2025

Rajesh

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kallimandayam Police Station,
Dindigul District.
(Crime No.240 of 2024)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioner in Crime No.240 of 2024 on the file of the respondent police.

For Petitioner : Mr.S.Kishore Kumar,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 21.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL.OP(MD). No.3557 of 2025

WEB COPY

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS and 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.240 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 15.10.2024 at about 11.30 a.m., based on the secret information, when the Assistant Director (Mines and Minerals) along with his officials was on surveillance near Kallimandayam to Idayankottai Road at K.Keeranur Primary Health Center, they found that one tipper lorry bearing Reg.No.TN-56-B-4079. The accused persons illegally excavated and transported ½ unit of *gravel sand* without any valid permission. On seeing the police, the driver of the lorry fled from the place leaving the vehicle behind. The defacto complainant seized the vehicle and handed over the same to the respondent-police. Hence, the complaint.

4. Mr.S.Kishore 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 the prosecution. He further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



CRL.OP(MD). No.3557 of 2025

WEB COPY

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that the petitioner is the owner of the lorry and A1 is the driver. He further submits that there are no previous cases against the petitioner. He however 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. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence, the quantity of *gravel sand* allegedly excavated and transported by the accused persons and taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted 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, Ottanchatram,

Dindigul District, within a period of 15 days from date on which the order copy is



CRL.OP(MD). No.3557 of 2025

made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate, Ottanchatram, Dindigul 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 appear and sign before the respondent-police weekly once i.e., on every Monday 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, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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

Court.



CRL.OP(MD). No.3557 of 2025

WEB COPY

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(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/-
25/02/2025

/ TRUE COPY /

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

PAL

TO

1 THE JUDICIAL MAGISTRATE
OTTANCHATRAM, DINDIGUL DISTRICT.



CRL.OP(MD). No.3557 of 2025

WEB COPY

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
KALLIAMANDAYAM POLICE STATION,
DINDIGUL DISTRICT.

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

+1 CC to M/s.S.KISHORE KUMAR, Advocate (SR-2100[I] dated 25/02/2025)

ORDER
IN

CRL OP(MD) No.3557 of 2025
Date :25/02/2025

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