



CRL OP(MD). No.3602 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3602 of 2025

1.Karunanithi

2.Vivek

... Petitioners/ Accused Nos.1 & 3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Srirangam Police Station,
Trichy.

Cr. No. 115/2025.

... Respondent/Complainant

For Petitioners : Ms.R.Yamuna

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. 115/2025 on the file of the respondent-Police.



CRL OP(MD). No.3602 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 24.02.2025 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 Sections 303(1), 132 & 351(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No. 115/2025, on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 10.02.2025, at about 18:00 hours, when the defacto complainant, along with his team, was patrolling in the brick chamber of one Karunanithi/A1 at Kondaiyampettai, Tagore Street, they found that the accused persons were loading sand using JCB, bearing registration No.TN-48-BC-1240 in Bolero Pickup vehicle. On seeing the police, A3 and other accused persons fled from the scene of occurrence in the Bolero Pickup vehicle. However, the respondent-police apprehended the driver of the JCB/A2. On enquiry, it reveals that the sand was excavated from the Kollidam River



CRL OP(MD). No.3602 of 2025

WEB COPY

and stored in that place and thereafter, the accused persons sell the same to the persons. Based on the confession of A2, the petitioners have been arrayed as A1 and A3. Hence, the case.

4. Ms.R.Yamuna, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. She further submits that the petitioners were falsely impleaded in this case. She further submits that the co-accused person/A2 was arrested and released on bail. Hence, she prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that based on the confession of A2, the petitioners have been arrayed as Accused Nos.1 and 3, respectively. He further submits that the first petitioner/A1 has eight previous cases, out of the which seven cases are similar in nature and the second petitioner/A3 has no previous case pending. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.



CRL OP(MD). No.3602 of 2025

WEB COPY

7. When this Court was not inclined to grant pre-arrest bail to the first petitioner/A1, considering the previous cases pending against him, the learned counsel for the petitioners seeks permission of this Court to withdraw this petition insofar as the first petitioner/A1 is concerned. To that effect, he has made an endorsement in the case file and the same is extracted hereunder:

"Only for petitioner No.1 (A1), the petition was withdrawn"

8. In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn insofar as the first petitioner/A1 is concerned. However, as regards the second petitioner/A3, this petition survives.

9. As far as the second petitioner/A3 is concerned, considering the facts and circumstances of the case, and also considering the fact that the second petitioner has permanent residence and deep roots in the society and hence, there is less possibility of absconding and taking note of the fact that the second petitioner/A3 has no previous case and with a view to give an opportunity to the second petitioner/A3, this Court is inclined to grant an order of pre-arrest bail to the second petitioner/A3 subject to the following conditions:



CRL OP(MD). No.3602 of 2025

WEB COPY

(i) The second petitioner/A3 shall be released on bail in the event of his arrest or in the event of his surrender before the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy, 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.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 District Munsif cum Judicial Magistrate, Srirangam, Trichy;

(ii) Thereafter, the second petitioner/A3 shall appear and sign before the respondent-Police daily at 10.00 a.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 District Munsif cum Judicial Magistrate, Srirangam, Trichy, shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The second petitioner/A3 shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Srirangam, 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



CRL OP(MD). No.3602 of 2025

from disclosing such facts to the Court or to any police officer;

WEB COPY

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

(viii) The second petitioner/A3 shall not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence;

(ix) On breach of any of the aforementioned conditions, the learned District Munsif cum Judicial Magistrate, Srirangam, Trichy, or Trial Court as the case may be, is entitled to pass appropriate orders against the second 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].

10. Accordingly, this Criminal Original Petition is allowed insofar as the second petitioner/A3 is concerned, subject to the conditions stated supra and this Criminal Original Petition is dismissed as withdrawn insofar the first petitioner/A1 is concerned.

sd/-

26/02/2025

/ TRUE COPY /

/03/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



CRL OP(MD). No.3602 of 2025

WEB COPY

APD

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, SRIRANGAM, TRICHY.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY.
- 3 THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION,
TRICHY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.3602 of 2025

Date :26/02/2025

SS/SKN/SAR- /17/03/2025/ 7P/5C

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