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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.3626 of 2025

Arun

... Petitioner/ Accused -rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Adiramapattinam Police Station,
Thanjavur.
Cr. No. 98/2025.

... Respondent/ Complainant

For Petitioner : Mr.K.M.Karunakaran,
Advocate

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.98/2025 on the file of the respondent-Police.



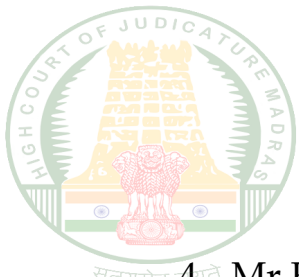
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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 24.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioner/Accused-rank not known 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 the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.98 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, when the defacto complainant was conducting vehicle check-up near Adiramapattinam Main Road, they found that the petitioner was illegally excavating and transporting half unit of river sand in a Bolero pickup vehicle. On seeing the police, the petitioner fled from the place of occurrence leaving the vehicle behind. Hence, this case.



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4. Mr.K.M.Karunakaran, the learned counsel appearing 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 a false case has been foisted against the petitioner. 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 excavating and transporting half unit of river sand and the same was seized by the respondent-police. He further submits that the petitioner has two previous cases, which are similar in nature. Hence, 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. Considering the same, facts and circumstances of the case and the quantity of the river sand allegedly excavated and transported by the petitioner, the fact that the property was seized by the respondent-police 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:



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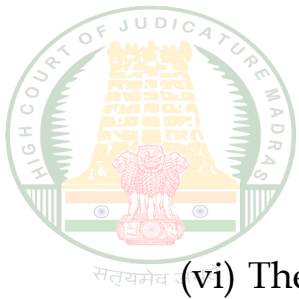
(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Pattukottai, within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) along with two sureties each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate, Pattukottai;

(ii) Thereafter, the petitioner shall appear and sign before the learned Judicial Magistrate, Pattukottai, on all working days at 10.00 a.m. and 5.30 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, Pattukottai 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, Pattukottai;

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



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(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;

(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, Pattukottai, 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/-
26/02/2025

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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
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- 1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI.
- 2 DO-THROUGH-THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.M.KARUNAKARAN, Advocate (SR-2174[I] dated 27/02/2025)

ORDER IN
CRL OP(MD) No.3626 of 2025
Date :26/02/2025

ES/SKN/SAR/12.03.2025/6P/6C

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