



CRL OP(MD) No.3666 of 2025

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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

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1.Krishnan
2.Azhagar
3.Sathishkumar

... Petitioners/ Accused-rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Abiramam Police Station,
Ramanathapuram.
Cr. No. 22/2025.

... Respondent/ Complainant

For Petitioner : Mr.Rajiv Gandhi
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.22/2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 24.02.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to



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grant an order of pre-arrest bail.

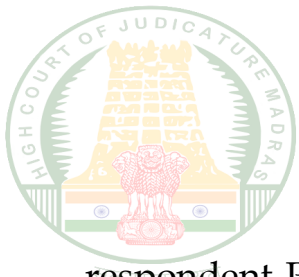
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2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957 in Crime No.22 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 11.02.2025, at about 6.15 a.m., when the defacto complainant, along with his team, was conducting vehicle check-up near a bridge, which is under construction across Seiyamangalam-Paralai river, they found that the petitioners were illegally excavating and transporting the sand in tractor and trailer, bearing registration Nos.TN-63-F-0324 and TN-67-F-5748, respectively. On seeing the police, the petitioners fled from the place of occurrence. However, the police seized the vehicle. Hence, this case.

4. Mr.Rajiv Gandhi, 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. He further submits that the petitioners have been falsely implicated in this case. He however submits that the petitioners are ready to abide by the conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the



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respondent-Police, submits that the petitioners were illegally excavating and transporting $\frac{3}{4}$ unit of river sand and the same was seized by the respondent-police.

He further submits that the petitioners were arrayed as A2 to A4. He further submits that the first petitioner/A2 has two previous cases and the third petitioner/A4 has one previous case, which are not similar in nature. He further submits that if this Court grants pre-arrest bail to the petitioners, they will commit similar type of offence and cause threat to the witnesses. Hence, 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 hence, there is less possibility of absconding. The first petitioner/A2 has two previous cases and the third petitioner/A4 has one previous case, which are not similar in nature. Considering the same and also considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and taking note of the quantity of the river sand allegedly excavated and transported by the petitioners and also taking note of the fact that the property was seized by the respondent-police 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



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the event of their surrender before the learned Judicial Magistrate, Kamuthi, Ramanathapuram, 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, Kamuthi, Ramanathapuram;

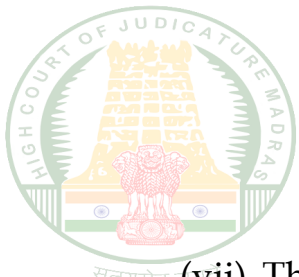
(ii) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(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 Judicial Magistrate, Kamuthi, Ramanathapuram shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Kamuthi, Ramanathapuram;

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

(vi) 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;



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Court;

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

(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, the learned Judicial Magistrate, Kamuthi, Ramanathapuram, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners 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.

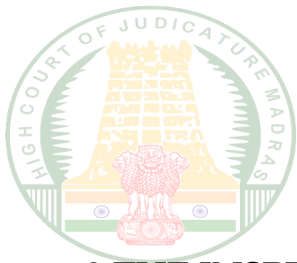
sd/-
26/02/2025

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

APD
TO
1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM.

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

ORDER
IN
CRL OP(MD) No.3666 of 2025
Date :26/02/2025

SA/SKN/SAR. /10.03.2025/6P/5C

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