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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.3651 of 2025

M.Sivaji

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram
Cr. No. 34/2025.

... Respondent/ Complainant

For Petitioner : Mr.C.Ezhilarasu,
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.34/2025 on the file of the respondent-Police.



ORDER: The Court made the following order :-

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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 No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 305(e) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.34 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 21.02.2025, at about 01.30 a.m., when the defacto complainant, Sub-Inspector of Police, along with his team, was conducting vehicle check-up near Oppilan Ayakkudi, they found that the petitioner and two other accused persons were illegally excavating and transporting river sand in an unnumbered Tractor and Trailer. On seeing the police, the petitioner and other accused persons fled from the place of occurrence. The respondent-police seized the Tractor and Trailer. Hence, this

case.

<https://www.jmc.tn.gov.in/judis>



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4. Mr.C.Ezhilarasu, 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 the petitioner has been falsely implicated in this case. He further submits that the petitioner has no previous case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. 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, along with other accused persons, was illegally excavating and transporting river sand and the same was seized by the respondent-police. 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 hence, there is less possibility of absconding. The petitioner has no previous case. Considering the same and also



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considering the facts and circumstances of the case, the petitioner is a first offender, and the fact that the property was seized by the respondent-police, 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:

(i) The petitioner 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, Kadaladi, 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.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, Kadaladi, Ramanathapuram;

(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 District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram;



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

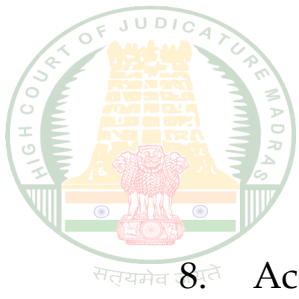
(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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 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 District Munsif cum Judicial Magistrate, Kadaladi, Ramanathapuram, 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
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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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
KADALADI,
RAMANATHAPURAM DISTRICT.
- 2 DO-THROUGH- THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.



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

+1 CC to M/s.C.EZHILARASU, Advocate (SR-2227[I] dated 28/02/2025)

ORDER IN
CRL OP(MD) No.3651 of 2025
Date :26/02/2025

ES/SKN/SAR/12.03.2025/7P/6C

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