



CRL OP(MD). No.3687 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/02/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Andi

... Petitioner/Sole accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Rajathani Police Station,
Theni District.
Cr. No.40 of 2025.

... Respondent/Complainant

For Petitioner : Mr.M.Prabu

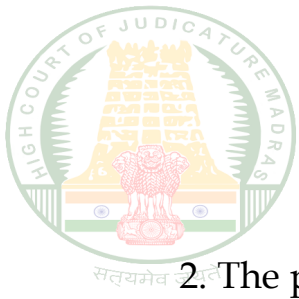
For Respondent : Mr.S.S.Manoj
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :- For Anticipatory Bail in Crime No.40 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.02.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.



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2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 (Section 379 of IPC) and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.40 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 21.02.2025, at about 04.15 a.m., when the defacto complainant, the Revenue Inspector, was patrolling, she found that the petitioner was excavating and transporting one unit of sand in an unnumbered tractor and trailer bearing registration No.TN-60-AL-3407. On seeing the defacto complainant, the petitioner fled from the place of occurrence. Based on the complaint of the defacto complainant, the respondent-police has registered the case. Hence, this case.

4. Mr.M.Prabu, 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 however submits that the petitioner is ready to abide by the 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 was illegally excavating and



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transporting one unit of sand in tractor-cum-trailer. He further submits that the petitioner has one previous case, which is not similar in nature. 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 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 allegedly committed by the petitioner, the quality of sand allegedly excavated and transported by the petitioner and the fact that the petitioner is a first offender as far as this type of offence is concerned, 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 Judicial Magistrate, Andipatti, Theni, 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 Judicial Magistrate, Andipatti, Theni;

(ii) Thereafter, the petitioner shall appear and sign before the respondent-



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police daily at 10.00 a.m., until further orders;

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(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, Andipatti, Theni 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, Andipatti, Theni;

(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 Judicial Magistrate, Andipatti, Theni, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law as if the



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aforementioned conditions are imposed by him as laid down by the Hon-ble
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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/-
27/02/2025

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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,
ANDIPATTI, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
RAJATHANI POLICE STATION,
THENI DISTRICT.

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

ORDER IN
CRL OP(MD) No.3687 of 2025
Date :27/02/2025

SA/SKN/SAR. /12.03.2025/5P/5C

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