

CRL.OP(MD). No.3685 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3685 of 2025

1.Poongodi

2.Athirasu

3.Rajaganapathi

... Petitioners / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
S.S. Colony Police Station,
Madurai District.
(Crime No.148 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.148 of 2025 on the file of the respondent-police.

For Petitioners : Mr.Niranjan S.Kumar,
Advocate

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



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 25.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, 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 Section (*)303(2) of Bharatiya Nyaya Sanhita, 2023 / 379 of Indian Penal Code & 21(2) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.148 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 23.02.2025, based on complaint given by the jurisdictional Tahsildar, Madurai, the respondent-police found that the petitioners and other accused persons were illegally excavating and transporting foundation sand in a lorry without any valid permit. Hence, the case.

4. Mr.Niranjan S.Kumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioners. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side)



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appearing for the respondent-police, submits that the accused persons had illegally excavated and transported foundation sand for building construction. He further submits that the petitioners have been arrayed as Accused Nos.1 to 3. He further submits that there are no previous cases against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they will commit similar type of offence and cause damage to environmental ecology. Accordingly, 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 deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and the quantity of sand allegedly excavated and transported by the petitioners and taking note of the fact that there are no previous cases against the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.V, Madurai, within a period of 15 days from the date on which the order copy is made



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ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 No.V, Madurai.

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(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 Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

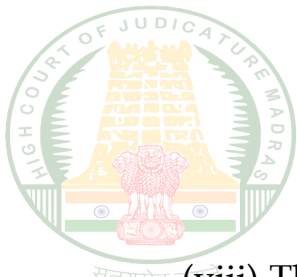
(iii) The petitioners shall appear and sign before the respondent-police weekly once i.e., on every Sunday at 10.00 a.m. until further orders.

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

(v) 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.

(vi) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

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



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(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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/-
05/03/2025

(*)Amended as per Order of the Court
dt.26/03/2025 in Crl.MP(MD).4042/2025 in
Crl.OP(MD).3685/2025.

/ / True Copy //

/03/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)

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TO BE SUBSTITUTED WITH THE ORDER DT.05/03/2025 IS ALREADY
DESPATCHED
To

1.The Judicial Magistrate No.V,
Madurai.



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2.Do Through

WEB.COM
The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
S.S. Colony Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 to CC Mr.Niranjana S.Kumar, Advocate, SR.No.3564 (I) DT.27/03/2025

Order made in
CRL.OP(MD). No.3685 of 2025
05.03.2025

BV (18/03/2025) 6P/ 5C

SA/SKN/SAR. /28.03.2025/6P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.