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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.3768 of 2025

1.Jeganathan
2.T.Sivakumar
3.K.Pandiyan

... Petitioners/ Accused (Rank Not Known)

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Ganavilakku Police Station,
Ganavilakku,
Theni District.
Crime No.37 of 2025

... Respondent/Complainant

For Petitioners : Mr.C.Jeganathan
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

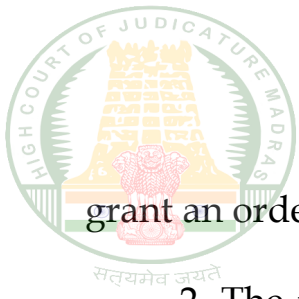
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.37 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 petitioners on 25.02.2025



grant an order of pre-arrest bail.

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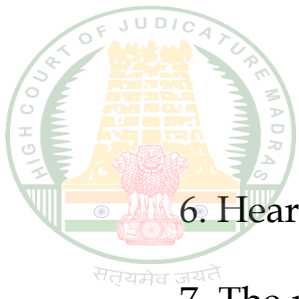
2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.37 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.02.2025, during vehicle check up, the Revenue Divisional Officer, Periyakulam and the defacto complainant - Village Administrative Officer had conducted vehicle check up on Ganavilakku to Varusanadu Main Road, where they intercepted two tipper lorries bearing Registration Nos.TN 60 F 7696 and TN 60 AH 1689 and found that the petitioners had illegally transported M-sand without valid permission. Hence, the case.

4. Mr.C.Jeganathan, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and a false case has been foisted against them. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioners illegally transported M-sand in two tipper lorries without valid permission. He further submits that if the petitioners are granted pre-arrest bail, they will commit a similar

offence again. 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 and therefore, there is less possibility of absconding. Considering the same and the nature of the offences alleged against the petitioner 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 the event of their surrender before the learned Judicial Magistrate, Andipatty, Theni District, 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, Andipatty, Theni District;

(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 make themselves available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioners shall not leave India without the previous permission of the Court;

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

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Andipatty, Theni District;

(viii) The petitioners shall not, directly or indirectly, cause any threat to witnesses and shall not tamper the evidence; and

(ix) On breach of any of the aforementioned conditions, concerned 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 them 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/-

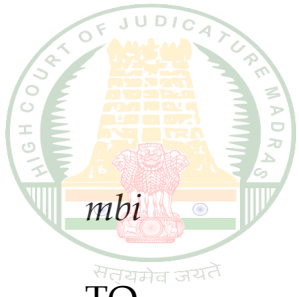
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Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai



TO
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1 THE JUDICIAL MAGISTRATE, ANDIPATTY, THENI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE SUB INSPECTOR OF POLICE, GANAVILAKKU POLICE STATION,
GANAVILAKKU, THENI DISTRICT.

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

+1. CC to C.JEGANATHAN Advocate SR.No.3368[I] Dated 25/03/2025

ORDER
IN

CRL OP(MD) No.3768 of 2025

Date :21/03/2025

RS(15/04/2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing
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