



CRL.OP(MD). No.3869 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3869 of 2025

1.Praveen

2.Mathan @ Mathankumar

... Petitioners / Accused

Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Pattukotai Taluk Police Station,
Thanjavur District.
(Crime No.37 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.37 of 2025 on the file of the respondent-police.

For Petitioners : Mr.B.Anandan,
Advocate

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

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 26.02.2025



CRL.OP(MD). No.3869 of 2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
WEB COPY
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 Sections 281, 106(1) of BNS alter into Sections 281, 106(1) and 303(2) of BNS, 2023 and Section 21(1) of the 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 02.02.2025, the defacto complainant's husband, and the petitioners herein were transporting 1/2 unit of river sand in a lorry bearing Registration No.KL-07-AT-6032 without obtaining permission from the authorities. During this time, while travelling on the Vendakottai to Kasangadu road near Govindaraj Thoppu, the defacto complainant's husband and the petitioners met with an accident involving the said lorry carrying sand. As a result, the defacto complainant's husband fell unconscious and sustained severe injuries. He was immediately taken to the hospital, where he later succumbed to the injuries. Based on the complaint lodged by the defacto complainant, the respondent police registered a case in Crime No. 37 of 2025, dated 02.02.2025. Hence, the case.



CRL.OP(MD). No.3869 of 2025

WEB COPY

4. Mr.B.Anandan, 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) appearing for the respondent-police, submits that the accused persons along with the defacto complainant's husband had illegally excavated and transported river sand without any permission. Subsequently, the lorry met with accident and the defacto complainant's husband succumbed to the injuries. He further submits that the petitioners have been arrayed as Accused Nos.1 and 2. 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 cause threat to the defacto complainant and will commit similar type of offence and cause loss to wealth of the nation. Accordingly, he prays to dismiss this Criminal Original Petition.



CRL.OP(MD). No.3869 of 2025

6. Heard on both sides. This Court has perused the records.

WEB COPY

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, without expressing any opinion on merits of the case, 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, Pattukkottai, 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) 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, Pattukkottai.

(ii) The sureties shall affix their photographs and left thumb impression in the



CRL.OP(MD). No.3869 of 2025

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 daily 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.



CRL.OP(MD). No.3869 of 2025

WEB COPY

(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/-
01/04/2025

/ TRUE COPY /

/04/2025

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

pal
TO

1 THE JUDICIAL MAGISTRATE PATTUKKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR DISTRICT
AT KUMBAKONAM.



CRL.OP(MD). No.3869 of 2025

3 THE INSPECTOR OF POLICE,
PATTUKOTTAI TALUK POLICE STATION, THANJAVUR DISTRICT.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-3744[I] dated 02/04/2025)

ORDER
IN

CRL OP(MD) No.3869 of 2025

Date :01/04/2025

NBF/SAR/ (29/04/2025) 7P/6C

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