



CRL.OP(MD). No.3878 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.02.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.3878 of 2025

1.Ajith @ Ajithkumar

2.Hemnath

... Petitioners / Accused Nos.1 & 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kattuputhur Police Station,
Trichy District.
(Crime No.29 of 2025)

... Respondent / Complainant

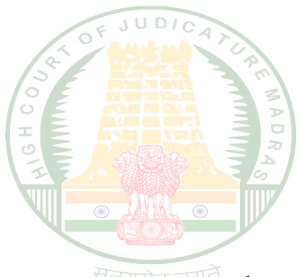
PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the petitioners in Crime No.29 of 2025 on the file of the respondent-police.

For Petitioners : Mr.K.Arunraj, 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 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



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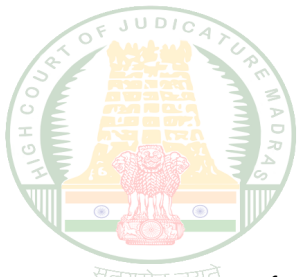
2. The petitioners apprehend arrest at the hands of the respondent- police for the offence punishable under Section 303(2) of BNS, 2023 read with Section 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.29 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 08.02.2025 at about 17.30 hrs, when the respondent-police along with his team was on patrol duty, near Kaduvetti Bust Stop, they intercepted two Bolero Pickup vehicles bearing Reg.No.TN-45-BL-3187 and Reg.No.TN-42-AZ-4975 which were coming from the opposite direction. On inspection, they noticed that the accused persons were illegally excavating and transporting 1/4 unit of river sand in each of the vehicles. On seeing the police, the drivers of the vehicles escaped on another un-numbered pick up vehicles. The police seized the vehicles. Hence, the case.

4. Mr.K.Arunraj, 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. He therefore prays for grant of pre-arrest bail to the petitioners.

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

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



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appearing for the respondent-police, submits that the first petitioner has 3 previous cases and the second petitioner has 1 previous case. 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 river sand allegedly excavated and transported by the petitioners and with a view to give one more 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 District Munsif cum Judicial Magistrate, Thottiyam, 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



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District Munsif cum Judicial Magistrate, Thottiyam.

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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 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.

(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



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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/-
28.02.2025

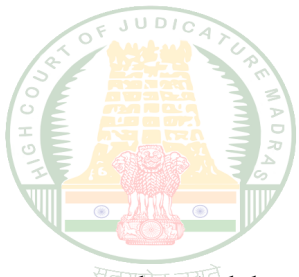
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/03/2025
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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To

- 1.The District Munsif cum Judicial Magistrate,
Thottiyam.
- 2.Do through The Chief Judicial Magistrate,
Trichy District.
- 3.The Inspector of Police,
Kattuputhur Police Station,
Trichy District.



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

+1 CC to M/s.K.ARUNRAJ, Advocate (SR-2278[I] dated 28/02/2025)

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28.02.2025

SL(19.03.2025)/ 6P/ 6C

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