



CRL.OP(MD). No.4124 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.4124 of 2025

Banumathi

... Petitioner / Accused No.2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thirupachethi Police Station,
Sivagangai District.
(Crime No.144 of 2024)

... 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 petitioner in Crime No.144 of 2024 on the file of the respondent police.

For Petitioner : Mr.D.S.Haroon Rasheed,
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 petitioner on 03.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



CRL.OP(MD). No.4124 of 2025

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.144 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 12.08.2024 at about 03.00 p.m., when the respondent-police was on patrol duty, they found that the petitioner along with other accused person was illegally excavating and transporting 4 units of *river sand* by using a lorry bearing Reg.No.TN-88-B-7194 without any valid permit. Hence, the case .

4. Mr.D.S.Haroon Rasheed, the learned counsel for the petitioner, submits that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. He further submits that the petitioner is only the owner of the vehicle. He further submits that the petitioner is 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 petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that there are no previous cases against the petitioner. He further submits that the



CRL.OP(MD). No.4124 of 2025

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investigation of the case is still pending and therefore at this stage, if the pre-arrest bail is granted to the petitioner, she 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 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, the quantity of *river sand* allegedly excavated and transported by the accused persons and taking note of the fact that there are no previous cases against the petitioner and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of her arrest or in the event of her surrender before the learned District Munsif cum Judicial Magistrate, Thiruppuvanam, 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) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned



CRL.OP(MD). No.4124 of 2025

District Munsif cum Judicial Magistrate, Thiruppuvanam.

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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 petitioner shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

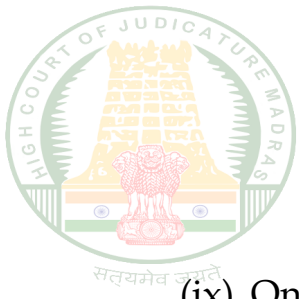
(iv) The petitioner shall make herself available for interrogation by a police officer as and when required.

(v) 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.

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

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

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



CRL.OP(MD). No.4124 of 2025

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(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 petitioner 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

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/03/2025

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

PAL
TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, THIRUPPUVANAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPACHETHI POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



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CRL.OP(MD). No.4124 of 2025

ORDER

IN

CRL OP(MD) No.4124 of 2025

Date :05/03/2025

SS/SKN/SAR- /17/03/2025/ 6P/5C

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