

CRL OP(MD). No.4046 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Thirumeni, ... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
Crime No. 56/2025

... Respondent/ Complainant

For Petitioner : Mr.R.Balamuruganantham,
Advocate.

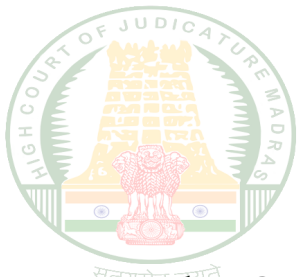
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory bail in Crime No. 56 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



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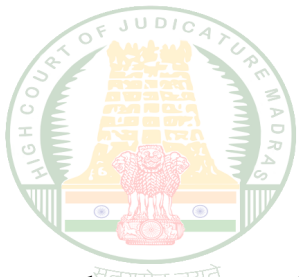
This Criminal Original Petition has been filed by the petitioner on 28.02.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.56 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 27.02.2025 at about 05.30 a.m., when the respondent-police were patrolling to prevent the theft of sand near Agni river, Neyveli, the respondent-Police found that the petitioner has illegally excavated and transported $\frac{1}{4}$ unit of river sand by using bullock cart without any valid license or permission. On seeing the Police, the petitioner fled from the place leaving the bullock cart on the spot. The respondent-Police enquired the co-accused, who confessed that they had stolen sand from the Agni River without any valid license or permit. The Police seized the same and arrested the co-accused. Based on his confession, the petitioner has been arrayed as Accused No.1. Hence, the case.

4. Mr.R.Balamuruganantham, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He,

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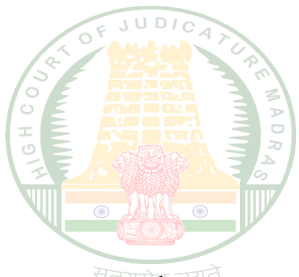
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however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He further submits that based on the confession of the co-accused, the petitioner herein has been arrayed as Accused No.1 in this case. He therefore prays for grant 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 the petitioner has illegally excavated and transported 1/4 unit of river sand by using bullock cart without any valid license or permission. He further submits that there is no previous case pending against the petitioner. He further submits that if pre-arrest bail is granted to the petitioner, he may commit the 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 petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the quantity of river sand allegedly excavated and transported by the petitioner and the fact that the sand and the alleged bullock carts have been seized by the respondent-Police, and the fact that the petitioner is the first offender and with a view to give an opportunity to the petitioner to reform himself this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following



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conditions.
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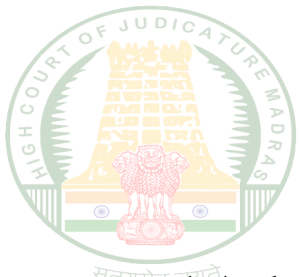
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Pattukkottai, Thanjavur District within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties, out of which one surety shall be a blood relative, each for a like sum of Rs.25000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Pattukkottai, Thanjavur 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, Pattukkottai, Thanjavur District 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 himself 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;



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Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Pattukkottai, Thanjavur District;

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

(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/-
04.03.2025

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

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1.The Judicial Magistrate,
Pattukkottai,
Thanjavur District.

2.Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

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

+1 CC to M/s.R.BALAMURUGANANTHAM, Advocate (SR-2422[I] dated
05/03/2025)

ORDER

IN

CRL OP(MD) No.4046 of 2025

Date : 04/03/2025

SL(21.03.2025)/ 6P/ 6C

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