



CRL OP(MD). No.4335 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4335 of 2025

Rajesh

... Petitioner/ Accused No.2

Vs

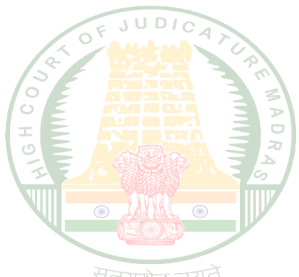
The State of Tamilnadu,
Rep. by the Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
Crime No.211 of 2024.

... Respondent/Complainant

For Petitioner : Mr.K.Yasar Arafath

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-
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For Anticipatory bail in Crime No.211 of 2024 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 05.03.2025 under Section 482 of 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(1) of Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.211 of 2024, on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the Village Administrative Officer, Anjukottai Group, Thiruvadanai. Based on the secret information, on 12.12.2024, at about 10.00 a.m., when the defacto complainant, along with Village Assistant, was on regular check-up near Subramaniyapuram, Thiruvadanai Road, they found that the other accuse person/A1 was illegally



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transporting 2 ½ unit of river sand in a tipper lorry bearing registration No.TN-38-BK-9843. He was arrested. Based on the confession of A1, the petitioner has been arrayed as A2. Hence, this case.

4. Mr.K.Yasar Arafath, learned counsel appearing for the petitioner, submits that this is the third pre-arrest bail application filed by the petitioner. He further submits that the petitioner is innocent and he has not committed the offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant an order of pre-arrest bail.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the other accused person/ A1 was illegally excavating 2½ unit of river sand and the petitioner is the owner of the tipper lorry. He further submits that the petitioner has two previous cases, which are similar in nature and hence, if the petitioner is granted pre-arrest bail, he will commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.



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6. Heard on both sides and perused the records.

7. On perusal of the records, it reveals that the petitioner has two previous cases, which are similar in nature. This Court is of the view that the petitioner is a habitual offender and therefore, if the petitioner is granted pre-arrest bail, he will commit similar type of offence and thereby, cause damage to the environment and cause loss to the nations's wealth. Therefore, this Court is not inclined to grant pre-arrest bail to the petitioner.

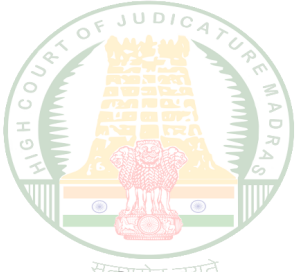
8. Accordingly, this Criminal Original Petition stands dismissed.

sd/-
07/03/2025

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

apd



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TO
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1. The Inspector of Police,
Thiruvadanai Police Station,
Ramanathapuram District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.4335 of 2025
Date : 07/03/2025

VN (25/03/2025) 5P / 3 C

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