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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4143 of 2025

Saravanan

... Petitioner/ Accused – rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Paramakudi Taluk Police Station,
Ramanathapuram District.
Cr. No.28 of 2025.

... Respondent/ Complainant

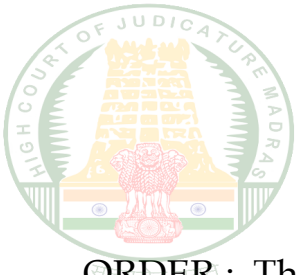
For Petitioner : Mr.S.Muniyandi

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.28 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 04.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.

2. The petitioner/Accused rank not known 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.28 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 25.02.2025, at about 5.00 p.m., when the defacto complainant/Village Administrative Officer, Sirakkikottia Group, along with the police, was on surveillance in Mandhivalasai River area, they found that 10 units of river sand was already illegally excavated and transported without any permission. After enquiry, the respondent-police arrested and remanded one Sivakumar/A1 and later, based on the confession of A1, the petitioner has been arrayed as accused. Hence, this case.

4. Mr.S.Muniyandi, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that the petitioner is in no way



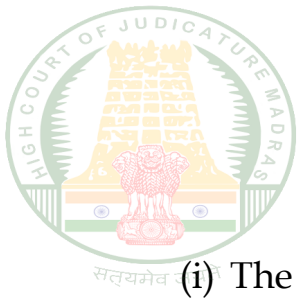
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connected in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that based on the confession of the other accused person/ A1, the petitioner has been arrayed as A3. He further submits that the petitioner has ten previous cases registered for the offences punishable under IPC. He further submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Based on the confession of the other accused person/ A1, the petitioner has been arrayed as A3. The petitioner has no previous case relating to the offences punishable under the Mines and Minerals (Development and Regulation) Act, 1957. Considering the same and also considering the facts and circumstances of the case and the nature of the offence allegedly committed by the petitioner, and with a view to give one more 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 conditions:



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(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Paramakudi, 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 Judicial Magistrate, Paramakudi;

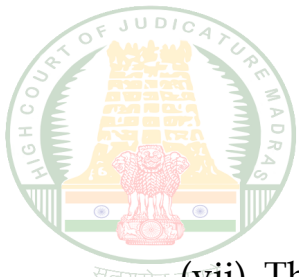
(ii) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(iii) 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, Paramakudi shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Paramakudi;

(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(vi) 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 not leave India without previous permission of the Court;

(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, Paramakudi, 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/-
06/03/2025

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/03/2025

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

apd
TO

1 THE JUDICIAL MAGISTRATE, PARAMAKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.



3 THE INSPECTOR OF POLICE,
PARAMAKUDI TALUK POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-2513[I] dated 07/03/2025)

ORDER
IN
CRL OP(MD) No.4143 of 2025
Date :06/03/2025

NBF/VR / SAR/ (25/03/2025) 6P/6C
Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023