



CRL OP(MD). No.4141 of 2025

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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

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1.Ramachandran

2.Govindaraj

... Petitioners/ Accused – Rank Not Known

Vs

The State of Tamil Nadu,
Rep by the Sub-Inspector of Police,
Soolakkarai Police Staion,
Virudhunagar.
Cr. No.69 of 2025.

... Respondent/Complainant

For Petitioners : Ms.D.Thilaga Rani

for Mr.M.Jothi Basu

For Respondent : Mr.S.S.Manoj,

Government Advocate (Crl.Side)

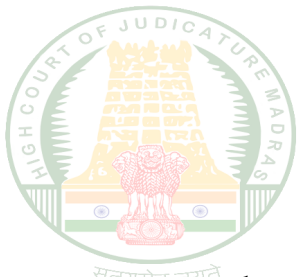
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 69 of 2025 on the file of the respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 04.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant an order of pre-arrest bail.



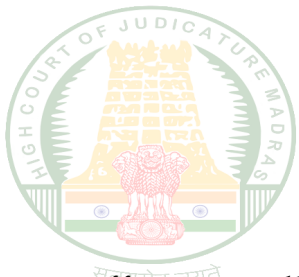
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2. The petitioners/Accused - rank not known apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(5) of the Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.69 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 01.03.2025, at about 4.00 p.m., when the Village Administrative Officer, Kooraikundu and the Circle Revenue Inspector, Ondipulinayakkanur, were on surveillance, they found that the petitioners and other accused persons were illegally excavating gravel sand from a private land, comprised in survey No.22, and transporting it, in three tractors, bearing registration Nos.TN-76-AW-9430, TN-67-Y-4241, TN-63-E-2984 by using an unnumbered Hitachi vehicle. On seeing the Officials, the petitioners and other accused persons fled from the place of occurrence leaving the vehicles and A5, who was arrested by the respondent-police. Based on the complaint given by the Circle Revenue Inspector, the case was registered. The gravel sand, which was loaded in that vehicles, was shed on that place and the respondent-police seized the vehicles. Hence, the case.

4. Ms.D.Thilaga Rani, the learned counsel appearing for the petitioners submits that the petitioners are innocent persons, and they have not committed any



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offence as alleged by the prosecution. She further submits that the petitioners have no previous case. She however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, she prays for grant of pre-arrest bail to the petitioners.

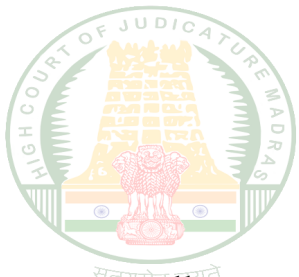
5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioners have no previous cases. He however submits that if pre-arrest bail is granted to the petitioners, they may commit the similar type of offences. Hence, he prays to 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. The petitioners have no previous cases. Considering the same and 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 an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.II, Virudhunagar,

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Virudhunagar 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) 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 Judicial Magistrate No.II, Virudhunagar, Virudhunagar District;

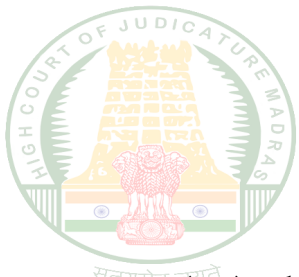
(ii) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m., until further orders;

(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 No.II, Virudhunagar, Virudhunagar District shall obtain a copy of any one of identity proofs to ensure their identity;

(iv) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.II, Virudhunagar, Virudhunagar District;

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

(vi) 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;



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(vii) The petitioners shall not leave India without previous permission of the Court;

(viii) The petitioners 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 No.II, Virudhunagar, Virudhunagar District, 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/-
06.03.2025

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

APD
TO

1. The Judicial Magistrate No.II,
Virudhunagar, Virudhunagar District.

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2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur

3. The Inspector of Police,
Soolakkarai Police Station,
Virudhunagar.

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

+1 CC to M/s.G.M.LAW OFFICE, Advocate (SR-2554[I] dated 07/03/2025)

ORDER
IN

CRL OP(MD) No.4141 of 2025
Date : 06/03/2025

SL(21.03.2025)/ 6P/ 6C

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