



CRL OP(MD). No.4433 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Ashwin

2. Selvaraj

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
Crime No.980 of 2024.

... Respondent/Complainant

For Petitioners : Mr. S.Sivakumar
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-33AB. For Anticipatory Bail in Crime no.980 of 2024 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis>



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This Criminal Original Petition has been filed by the petitioners on 06.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / A1 and A2 apprehend arrest at the hands of the respondent- police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and 21(5) of Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.980 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 04.12.2024 at about 10.00 pm, when the defacto complainant along with his officials, conducted a vehicle check up, they stopped a Tarass Lorry bearing Registration No.TN 75 BB 1334. On verification of the Transit Permit Receipt No.2599 issued to the petitioners they found that it was issued on 04.12.2024 at 6.00 pm by the Bharat Minerals Quarry, Kumbiklam and the vehicle was coming beyond the time limit, i.e., vehicle could come to the checking place at 6.30 pm, but, it came at 10.00 p.m. Hence, the case.

4. Mr.S.Sivakumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He however submits that the petitioners are 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



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petitioners.

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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that the investigation of the case is pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. 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. Therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and taking note of the fact that there are no previous cases against the petitioners and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Valliyoor, within a period of 15 days from the date on which the order copy is made ready, on



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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, Valliyoor.

(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, Valliyoor shall obtain a copy of any one of identity proofs to ensure their identity.

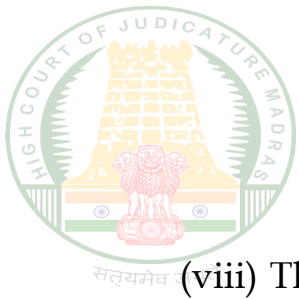
(iii) The petitioners shall appear and sign before the respondent-police weekly twice ie., on every Monday and Friday at 10.00 am until further orders.

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

(v) 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.

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

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



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(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Valliyoor.

(ix) On breach of any of the aforementioned conditions, the learned learned Judicial Magistrate, Valliyoor 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.

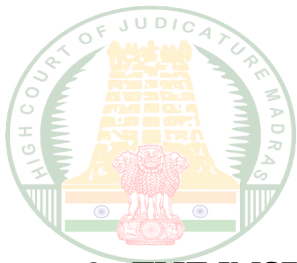
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11/03/2025

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

trp
TO

- 1 THE JUDICIAL MAGISTRATE
VALLIYOOR.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.



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3 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1 CC to M/s.S.SIVAKUMAR, Advocate (SR-2679[I] dated 12/03/2025)

ORDER
IN

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Date :11/03/2025

HPS/SAR / 26.03.2025/6P/6C

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