



CRL OP(MD). No.4355 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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Nallasivam ... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Perumalpuram Police Station,
Perumalpuram,
Tirunelveli City.
Crime No. 21/2025.

... Respondent/ Complainant

For Petitioner : Mr. N. Pragalathan
Advocate

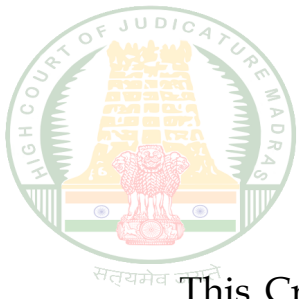
For Respondent : Mr.S.S. Manoj
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.21 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 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 petitioner / Accused rank not known apprehends arrest at the hands of the respondent-police for the offences punishable under Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.21 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 29.01.2025 at about 1.00 pm, when the defacto complainant viz., Special Deputy Tahsildar of Geology and Mining Department, Tirunelveli and the other officials were conducting vehicle check up, they found that the petitioner herein and other accused persons were illegally excavating and transporting 3 units of gravel sand in a Lorry bearing Regn.No.TN 69 P 1512 by using a bogus trip sheet. While enquiring the driver of the Lorry, he ran away from the place of occurrence. Hence, the case.

4. Mr.N.Pragalathan, the learned counsel for the petitioner, submits that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, and he 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. He therefore prays for grant of pre-arrest bail to the petitioner.



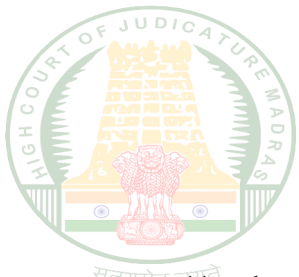
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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that A1 has already been arrested and released on bail, and the petitioner herein, who is the owner of the Lorry, has been arrayed as A2 and that there is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may commit similar offence and cause threat to the witnesses and thereby, delay the investigation. Hence, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has 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 offence, and taking note of the fact that the co-accused has already been granted pre-arrest bail by this Court vide order dated 06.02.2025 in CrI.O.P(MD).No.2345 of 2025, 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 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 No.I, Thirunelveli, Thirunelveli 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 each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.I, Thirunelveli, Thirunelveli District.

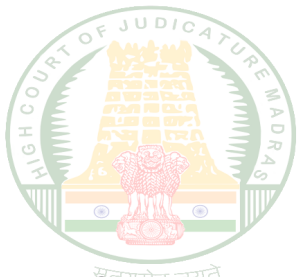
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent - police weekly twice i.e., on every Monday and Friday at 10.30 am 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.

(vi) The petitioner shall not leave India without the previous permission of the



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(vii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

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

(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].

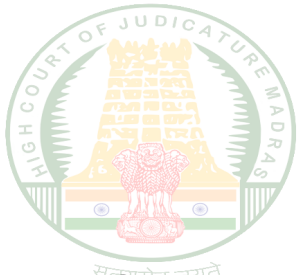
8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
11.03.2025

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

TRP



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TO
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1. The Judicial Magistrate No.I,
Thirunelveli, Thirunelveli District
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Perumalpuram Police Station,
Perumalpuram,
Tirunelveli City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2642[I] dated 11/03/2025)

ORDER

IN

CRL OP(MD) No.4355 of 2025

Date : 11/03/2025

SL(25.03.2025)/ 6P/ 6C

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