



CRL OP(MD). No.4533 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

CRL OP(MD). No.4533 of 2025

Dhanavendhan @ Bala

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Kollidam Police Station, Trichy District.
Crime No. 48/2025.

... Respondent/ Complainant

For Petitioner : Mr.V. Vishnu
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.48 of 2025 on the file of the respondent-Police.



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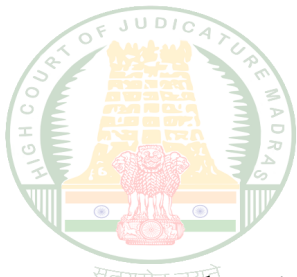
ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 07.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / A2 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023 (corresponding Section 379 of IPC) and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.48 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 27.02.2025, when the defacto complainant, Village Administrative Officer, along with the Village Assistant and Police officials was on patrol duty on Appadurai road in Thalakudi Village, they found that the petitioner herein, along with other accused persons, was illegally excavating and transporting 1 unit of river sand by using a Bolero Pick up truck bearing Reg.No.TN 51S 6549. On seeing the officials, the petitioner and A3 fled from the place. A1 was arrested. Based on his confession, the petitioner has been

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arrayed as A2. Hence, the case.

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4. Mr.V.Vishnu, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and 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 to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner and other accused persons were illegally transporting the river sand, and that the petitioner is the owner of the vehicle. He further submits 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 cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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



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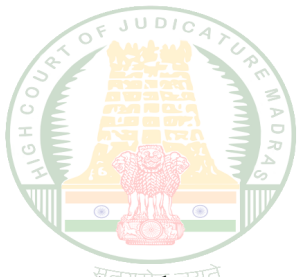
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7. In view of the offence alleged against the petitioner and quantity of river sand allegedly excavated and transported by the petitioner, this Court is of the opinion that custodial interrogation of the petitioner, is not necessary in this case. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Considering the same, and also considering the facts and circumstances of the case, and taking note of the fact that there is no previous case pending against the petitioner, 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.

(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 District Munsif – Cum - Judicial Magistrate, Srirangam, 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 District Munsif – Cum - Judicial Magistrate, Srirangam.

(ii) The sureties shall affix their photographs and left thumb impression in the

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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned District Munsif – Cum - Judicial Magistrate, Srirangam, 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 daily at 10.00 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 Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.



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(viii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif – Cum - Judicial Magistrate, Srirangam,

(ix) On breach of any of the aforementioned conditions, the learned District Munsif – Cum - Judicial Magistrate, Srirangam, 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.

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TO

1. The District Munsif – Cum - Judicial Magistrate, Srirangam.
2. Do-Through The Chief Judicial Magistrate,
Trichy District.
3. The Inspector of Police,
Kollidam Police Station, Trichy District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.4533 of 2025
Date : 11/03/2025

VN (26/03/2025) 7P / 5C

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