



CRL.OP(MD). No.4741 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.4741 of 2025

1.Andiyappan

2.Ponnusamy

3.Masi

... Petitioners / Accused
Rank Not Known

q

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kulithalai Police Station,
Karur District.

(Crime No.125 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.125 of 2025 on the file of the respondent-police.

For Petitioners : Mr.V.Karuna,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 11.03.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS, 2023, read with Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.125 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 07.03.2025, when the respondent-police were on patrol duty, they found that the accused persons were illegally excavating and transporting red sand by using two lorries. On seeing the police, the accused persons fled away from the scene of occurrence. Hence, the case.

4. Mr.V.Karuna, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and a false case has been foisted against the petitioners. 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 petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent police, submits that the petitioners have been arrayed as Accused Nos.1 to 3. He further submits that A1 and A2 are drivers of the lorries and A3 is the owner of the lorries. He further submits that A1 and A2 have no



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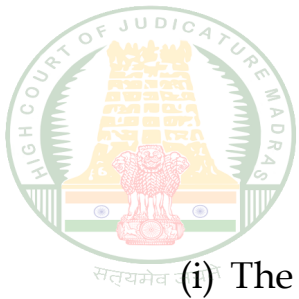
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previous cases and A3 has one previous case, which is similar in nature. He further submits that the accused persons had illegally excavated and transported red sand from the Government land. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Since this Court was not inclined to grant pre-arrest bail to the third petitioner considering the previous case pending against him, the learned counsel for the petitioners sought permission of this Court to withdraw the petition insofar as the third petitioner is concerned. However, as regards the first and second petitioners, this petition survives.

8. The first and second petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence allegedly committed by the first and second petitioners and the quantity of red sand allegedly excavated and transported by them and taking note of the fact that there are no previous cases against the first and second petitioners and also with a view to give an opportunity to the first and second petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the first and second petitioners. Accordingly, pre-arrest bail is granted to the first and second petitioners subject to the following conditions:



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(i) The first and second 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 No.II, Kulithalai, Karur 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.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.II, Kulithalai, Karur 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 District Munsif cum Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The first and second petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. until further orders.

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

(v) The first and second 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 first and second petitioners shall also not, directly or indirectly, cause



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any threat to the defacto complainant and witnesses and shall not tamper the
evidence.

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

(viii) The first and second petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(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 first and second 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].

9. Accordingly, this Criminal Original Petition is dismissed as withdrawn insofar as the third petitioner is concerned and is allowed insofar as the first and second petitioners are concerned subject to the conditions stated supra.

sd/-
13/03/2025

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



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TO मेव जयते

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- 1 THE JUDICIAL MAGISTRATE NO.II
KULITHALAI, KARUR DISTRICT.
- 2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.4741 of 2025

Date :13/03/2025

HPS/SAR / 25.03.2025/6P/5C

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