



CRL OP(MD). No.5360 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5360 of 2025

1. Manikandan
2. Karuppasamy
3. Karnan
4. Ajithkumar

... Petitioners/ A2 to A5

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
Crime No. 10/2025.

... Respondent/Complainant

For Petitioner : Mr.S. Muniyandi
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.10 of 2025 on the file of the respondent -



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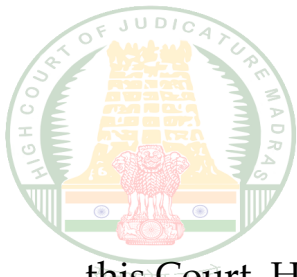
ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 20.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / A2 to A5, apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS, 2023 r/w.21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.10 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.01.2025, when the respondent-Police was on patrol duty, they found that the petitioners herein were illegally excavating and transporting 1/2 unit of river sand by using the vehicle bearing Regn.Nos. TN 18 J 0626 TATA Mini Lorry, TN 65 AW 5874, TN 65 BV 7279 and JCB bearing Regn.No.TN 65 BX 4145 and the same has been seized. Hence, the case.

4. Mr.S.Muniyandi, 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 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. He therefore prays for grant of pre-arrest bail to the 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 two previous cases pending against A5 and the other petitioners are not having any previous case. He further submits that the investigation of the case is pending and therefore, at this stage, if the petitioners are granted pre-arrest bail, they may commit similar offence and tamper with the evidence. 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 petitioners, this Court is of the view that custodial interrogation of the petitioners is not necessary in this case. The petitioners have permanent residence and deep roots in the society and 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 are no previous cases pending against the petitioners 1 to 3 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 pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate,



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Mudhukulathur, within a period of 15 days from 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 said Magistrate.

(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 petitioners shall appear and sign before the respondent-police daily 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 not leave India without the previous permission of the Court.

(vii) The petitioners shall also not cause threat to the defacto complainant and tamper with the evidence.



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(viii) The 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 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/-
24/03/2025

/ TRUE COPY /

/04/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO

1 THE JUDICIAL MAGISTRATE
MUDHUKULATHUR.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE,
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.MUNIYANDI, Advocate (SR-3332[I] dated 24/03/2025)

ORDER
IN
CRL OP(MD) No.5360 of 2025
Date :24/03/2025

HPS/SAR / 22.04.2025/6P/6C

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