



CRL OP(MD). No.4802 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4802 of 2025

Thangeswaran

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Nathampatti Police Station,
Virudhunagar District.
Crime No.46 of 2025

... Respondent/Complainant

For Petitioner : Mr.A.S.Vaigunth

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.46 of 2025 on the file of the respondent-police.



CRL OP(MD). No.4802 of 2025

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 12.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.46 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 28.02.2025, during patrolling duty, the respondent-Police intercepted a lorry bearing Registration No.TN 28 AC 8758 and on enquiry, they found that the petitioner and other accused persons illegally transported three units of red sand without permission. The respondent-Police sized the lorry and a JCB. Hence, the case.

4. Mr.A.S.Vaigunth, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and that he



CRL OP(MD). No.4802 of 2025

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. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner and other accused persons illegally transported red sand in a lorry bearing Registration No.TN 28 AC 8758 without valid permission. He further submits that the petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the Society, and therefore, there is less possibility of absconding. Considering the same and the nature of the offences allegedly committed by the petitioner and taking note of the fact that the petitioner is a first offender 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 bail in the event of his arrest or in the



CRL OP(MD). No.4802 of 2025

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event of his surrender before the learned Judicial Magistrate, Watrap, Virudhunagar 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, Watrap, Virudhunagar 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;

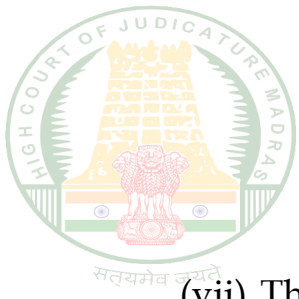
(iii) The petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police

daily at 10.00 a.m. until further orders;



CRL OP(MD). No.4802 of 2025

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(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Watrap, Virudhunagar District;

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

(ix) On breach of any of the aforementioned conditions, concerned 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 them 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/-
21/03/2025

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/04/2025

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

MBI

TO

1 THE JUDICIAL MAGISTRATE
WATRAP, VIRUDHUNAGAR DISTRICT.



CRL OP(MD). No.4802 of 2025

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2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE,
NATHAMPATTI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

ORDER

IN

CRL OP(MD) No.4802 of 2025

Date :21/03/2025

SS/SAR- /15/04/2025/ 6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023