



CRL OP(MD). No.4859 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Karupasamy
2.Eshwar

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Adirampattinam Police Station,
Thanjavur District.
Crime No.126 of 2025

... Respondent/Complainant

For Petitioners : Mr.N.Balasubramanian

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

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

PRAYER :-

C-33AB. For Anticipatory Bail in Crime No.126 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 petitioners on 13.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioners apprehend 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.126 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 08.03.2025, the respondent-Police found the accused persons illegally excavating river sand. On seeing the Police, the petitioner escaped. Hence, the case.

4. Mr.N.Balasubramanian, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution, and a false case has been foisted against them. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.



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5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the first petitioner (A1) has already been arrested, and that the second petitioner (A2) is a driver. He further submits that the petitioners illegally excavated and transported 1/4 units of river sand. He further submits that the second petitioner has no previous case. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. It is stated that the first petitioner (A1) has been arrested on 13.03.2025. Hence, the prayer sought for in respect of the first petitioner became infructuous.

8. As far as the second petitioner is concerned, he has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the above and also considering the nature of the offences allegedly committed by the second petitioner and taking note of the fact that the second petitioner is a first offender, and with a view to give an opportunity to the second petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the second petitioner subject to the following conditions:



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(i) The second petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Pattukottai, Thanjavur 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) 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, Pattukottai, Thanjavur 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 second petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) The second 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 second petitioner shall not leave India without the previous permission

of the Court;



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(vi) The second petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

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

(viii) The second 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 second 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].

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

sd/-

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/04/2025

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



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TO

- 1 THE JUDICIAL MAGISTRATE
PATTUKOTTAI, THANJAVUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE,
ADIRAMPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.4859 of 2025

Date :17/03/2025

HPS/SKN/SAR- /01/04/2025/ 6P/5C

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