



CRL OP(MD). No.4954 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.4954 of 2025

R.Parthipan @ Parthiban

... Petitioner/ Accused No.4

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
Crime No.29/2025.

... Respondent/Complainant

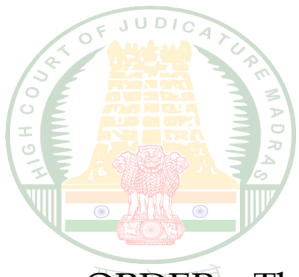
For Petitioner : Mr. K. Sheenivasan,
Advocate.

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.29/2025 on the file of the respondent - Police.



CRL OP(MD). No.4954 of 2025

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 14.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / A4 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita, 2023 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.29 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 21.02.2025 at about 4.30 am, when the respondent-Police were on patrol duty, they found that the petitioner herein along with two other accused person, was illegally excavating and transporting 1 unit of Canal sand in a Mahindra Tractor bearing Rgn. Nos.TN 60 AH 9283 cum Trailer bearing Regn.No.TN 60 AJ 6609 by using JCB bearing Registration No.TN 58 AK 5694. A1 to A3 were arrested based on their confession, the petitioner has been arrayed as A4. Hence, the case.



CRL OP(MD). No.4954 of 2025

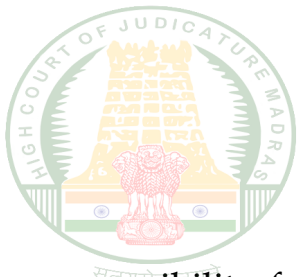
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4. Mr.K.Sheenivasan, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He however 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 there is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending and, thereafter, at this stage of investigation, 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.

7. In view of the offence allegedly committed by the petitioner and quantity of river sand allegedly excavated and transported by the petitioner, this Court is of the opinion that custodial interrogation is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less



CRL OP(MD). No.4954 of 2025

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 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 Judicial Magistrate, Andipatty, Theni 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, Andipatty, Theni 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, Andipatty, Theni District 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 weekly

<https://www.mhc.tn.gov.in/judis>



CRL OP(MD). No.4954 of 2025

twice i.e., on every Monday and Friday at 10.30 am until further orders.

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(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 witnesses and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Andipatty, Theni District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial



CRL OP(MD). No.4954 of 2025

Magistrate, Andipatty, Theni District is entitled to pass appropriate orders against the
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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/-
18/03/2025

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

TRP

TO

1. The Judicial Magistrate, Andipatty, Theni District
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.



CRL OP(MD). No.4954 of 2025

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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.SHEENIVASAN, Advocate (SR-3086[I] dated 19/03/2025)

ORDER
IN
CRL OP(MD) No.4954 of 2025
Date :18/03/2025

RK/VR (02/04/2025) 7P / 6C

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