



CRL OP(MD). No.4949 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.4949 of 2025

Muniyasamy ... Petitioner/ Accused Rank not known
Vs

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

... Respondent/ Complainant

For Petitioner : Mr.A.S.Vaigunth

For Respondent : Mr.K.Sanjai Gandhi
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.

ORDER : The Court made the following order :-

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



CRL OP(MD). No.4949 of 2025

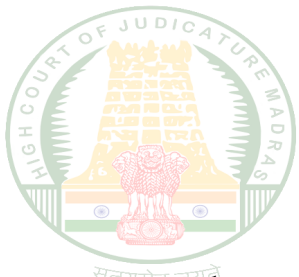
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2. The petitioner/Accused rank not known apprehends arrest at the hands of the respondent-Police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.46 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 28.02.2025, at about 17.00 hours, when the defacto complainant, along with his team, was on surveillance on Indira Colony, Ruthrappanayakanpatti, they found that the other accused person/A1 was in illegal possession of three units of red sand in a tipper lorry, bearing registration No.TN-28-AC-8758. On enquiry, it reveals that the red sand was illegally excavated from Pudukkottai Kanmai with the help of A2. The police seized the vehicle with 3 units of red sand and arrested the other accused person/A1. Based on A1's confession, the petitioner has been arrayed as A4, as owner of the tipper lorry. Hence, this case.

4. Mr.A.S.Vaigunth, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submits that only based on the confession of A1, the petitioner has been arrayed as accused. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court.

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CRL OP(MD). No.4949 of 2025

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

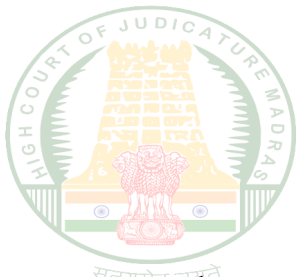
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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-Police, submits that the petitioner is the owner of the said tipper lorry and based on the confession of A1, the petitioner has been arrayed as A4. He further submits that the petitioner has three previous cases, which are not similar in nature. However, he submits that if pre-arrest bail is granted to the petitioner, he may commit similar type of offence. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Totally, there are four accused persons in this case. Only based on the confession of A1, the petitioner has been arrayed as A4, and the petitioner is the owner of the tipper lorry. The petitioner has three previous cases, which are not similar in nature. Considering the said facts, 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 event of his surrender before the learned District Munsif cum Judicial Magistrate, Watrap, Virudhunagar, 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



CRL OP(MD). No.4949 of 2025

Five Thousand only) along with two sureties each for a like sum of Rs.25,000/-
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(Rupees Twenty Five Thousand only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Watrap, Virudhunagar;

(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, Watrap, Virudhunagar shall obtain a copy of any one of identity proofs to ensure their identity;

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

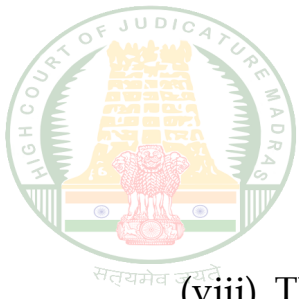
(iv) The petitioner shall appear and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 a.m., until further orders;

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

(vi) 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;

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

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CRL OP(MD). No.4949 of 2025

WEB COPY

(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, the learned District Munsif cum Judicial Magistrate, Watrap, Virudhunagar, 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 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 (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

APD

TO

1. The District Munsif cum Judicial Magistrate,
Watrap, Virudhunagar.
2. Do-Through The Chief Judicial Magistrate,
Virudhunagar District.



CRL OP(MD). No.4949 of 2025

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.4949 of 2025

Date : 18/03/2025

SL(02.04.2025)/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.