



CRL OP(MD). No.5068 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Rajkumar

2.Prakash

... Petitioners/ Accused Nos.3 & 4

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
K.V.Nallur Police Station,
Tenkasi.

Cr. No.272 of 2025.

... Respondent/ Complainant

For Petitioners : Mr.P.Veerapandi

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.272 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 petitioners on 17.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.



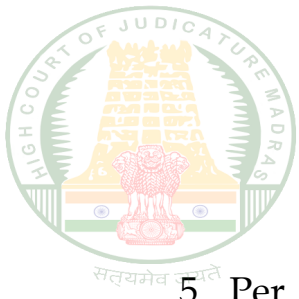
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2. The petitioners/Accused Nos.3 and 4 apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, in Crime No.272 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 15.03.2025, at about 5.00 a.m., when the defacto complainant, Sub-Inspector of Police, along with his team, was on patrol duty near Karivalamvanthanallur double bridge, the petitioners and other accused person were illegally excavating and transporting $\frac{1}{4}$ unit odai sand by using a tractor, bearing registration No.TN-51-AL-0797 and a trailer, bearing registration No.TN-69-U-8962. On seeing the police, the petitioners fled from the place of occurrence leaving behind the vehicle and A1. A1 was arrested. Based on the confession of A1, the petitioners have been arrayed as A3 and A4. Hence, this case.

4. Mr.P.Veerapandi, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and that they have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case. He further submits that the petitioners are loadmen. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.



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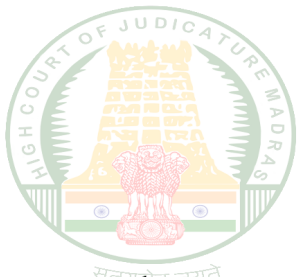
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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner and other accused persons illegally excavated and transported $\frac{1}{4}$ unit of odai sand. He further submits that the first petitioner/A3 has three previous case, and the second petitioner/A4 has one previous case, which are not similar in nature. He further submits that if pre-arrest bail is granted to the petitioners, they 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. The petitioners are loadmen. The first petitioner/A3 has three previous case, and the second petitioner/A4 has one previous case, which are not similar in nature. The petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence as alleged by the prosecution, and the quantity of odai sand allegedly excavated and transported by the accused persons, and with a view to give one more 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 bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Sankarankovil,



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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) each 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, Sankarankovil;

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

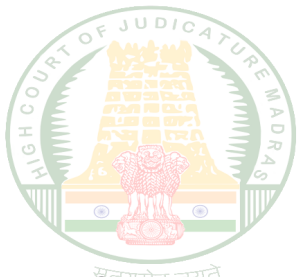
(iii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Sankarankovil;

(iv) Thereafter, the petitioners 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 petitioners shall make themselves available for interrogation by a police officer as and when required;

(vi) 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;

(vii) The petitioners shall not leave India without previous permission of the



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Court;
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(viii) The petitioners 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 Judicial Magistrate, Sankarankovil, 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/-
19.03.2025

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

APD
TO

1. The Judicial Magistrate, Sankarankovil.
2. Do-Through The Chief Judicial Magistrate,
Tenkasi District.



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3.The Inspector of Police,
K.V.Nallur Police Station,
Tenkasi.

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

+1 CC to M/s.P.VEERAPANDI, Advocate (SR-3130[I] dated 20/03/2025)

ORDER

IN

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Date : 19/03/2025

SL(03.04.2025)/ 6P/ 6C

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