



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

WEB COPY

Date : 25/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5162 of 2025

Murugan

... Petitioner/ Accused

Vs

State of Tamil Nadu Rep by the
Inspector of Police,
Moondradaippu
Police Station,
Tirunelveli District.
(Crime No.116 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.M.Perumal
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 116 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 18.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail.

2. The petitioner / accused rank not known apprehends arrest at the hands of

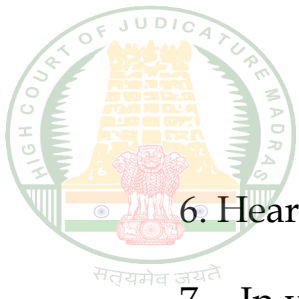


the respondent-Police for the offence punishable under Sections 303(2) of BNS, 2023 r/w. Sections 21(1) and 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.116 of 2025, on the file of the respondent police.

3. The case of the prosecution is that on 09.03.2025, when the defacto complainant viz., Village Administrative Officer and her Assistant visited the Government land in S.No.712, they noticed that the petitioner herein and other accused have illegally excavated and transported saral sand from the said Government Promboke land at night hours. Hence, the case.

4. Mr.M.Perumal, 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, learned Government Advocate (Crl. side), appearing for the respondent-Police, submits that there are 15 previous cases pending against the petitioner, out of which, 5 cases are similar in nature and therefore, if pre-arrest bail is granted to the petitioner, he will commit similar offence and also cause loss to the wealth of the nation. He further submits that the investigation of the case is also pending. Hence, he strongly opposes to grant pre-arrest bail to the petitioner.



6. Heard both sides and perused the records.

7. In view of the fact that the petitioner has 15 previous cases, out of which 5 are similar in nature. It is clear that the petitioner is a habitual offence. Therefore, if the pre-arrest bail is granted to him, he will commit similar type of offence and thereby, cause loss to the wealth of nation. Hence, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

25.03.2025

// True Copy //

/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

TRP

TO

1 THE INSPECTOR OF POLICE, MOONDRADAIPPU POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.5162 of 2025

Date :25/03/2025

RS (17/04/2025) 3P/ 3C

Madurai Bench of Madras High Court is issuing
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