



CRL OP(MD). No.5181 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/03/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Mohamed Arif @ Aarif

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
Crime No. 64/2025.

... Respondent/ Complainant

For Petitioner : Ms.G.Subiksha

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.64 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-



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This Criminal Original Petition has been filed by the petitioner on 18.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / A1 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.64 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 17.03.2025, while the respondent-Police were on patrol duty, they found that the petitioner herein along with two other accused person, was illegally excavating and transporting $\frac{1}{2}$ unit of river sand by using a bullock cart. Hence, the case.

4. Ms.G. Subiksha, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and 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 (Crl. Side) appearing for the respondent-police, submits that there is no previous case pending



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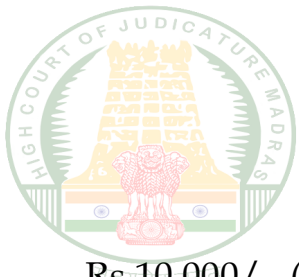
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against the petitioner. He further submits that the investigation of the case is still pending and, therefore, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit the similar 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 alleged against the petitioner and quantity of river sand allegedly excavated and transported by the petitioner, this Court is of the view 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 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 District Munsif – cum - Judicial Magistrate, Peravurani, Thanjavur District within a period of 15 days from 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



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Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District

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Munsif – cum - Judicial Magistrate, Peravurani, 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 District Munsif – cum - Judicial Magistrate, Peravurani, Thanjavur 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 daily at 10.00 am until further orders;

(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 tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to



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the learned District Munsif - cum - Judicial Magistrate, Peravurani, Thanjavur District.

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(ix) On breach of any of the aforementioned conditions, the learned District Munsif - cum - Judicial Magistrate, Peravurani, 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.

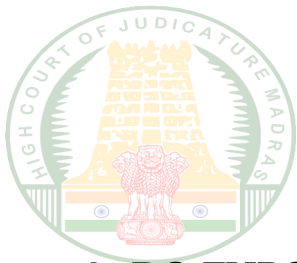
sd/-
20/03/2025

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

TRP
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
PERAVURANI, THANJAVUR DISTRICT.



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2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.

3 THE INSPECTOR OF POLICE
SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-3225[I] dated 21/03/2025)

ORDER
IN

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Date :20/03/2025

HPS/SAR / 16.04.2025/6P/6C

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