



CRL OP (MD) No.5512 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 27.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5512 of 2025

Gopalakrishnan

... Petitioner/ A7

Vs

The State of Tamil Nadu,  
Rep. by the Inspector of Police,  
Jayamangalam Police Station,  
Theni District.  
Crime No.40 of 2025

... Respondent/ Complainant

For Petitioner : Mr.S.Muniyandi

For Respondent : Mr.K.Sanjai Gandhi,  
Government Advocate (Crl. Side)

PETITION FOR BAIL Under Sec.483 of BNSS, 2023

PRAYER :-

For bail in Crime No.40 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

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CRL OP (MD) No.5512 of 2025

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This Criminal Original Petition has been filed by the petitioner on 21.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant bail.

2. The petitioner/A7 was arrested and remanded to judicial custody on 04.03.2025 for the alleged offences punishable under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4(a) of Explosive Substances Act, 1908, in Crime No.40 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 03.03.2025, at about 9.00 a.m., when the defacto complainant, Village Administrative Officer, was on patrol duty on Kullappuram to Viralipatti Road, he found that the petitioner and other accused persons were illegally using explosives and stealing rough stones from one Latha's (A8) land, comprised in Survey No.2526/2A, and the nearby Government poramboke land, comprised in Survey No.2529/1, with the help of explosive substances and an air compressor machine. Hence, the case.

4. Mr.S.Muniyandi, learned counsel appearing for the petitioner, submits that the petitioner has been arrayed as A7, and the respondent-police implicated the petitioner stating that explosive substances were recovered from the petitioner's



CRL OP (MD) No.5512 of 2025

premises. In fact, the petitioner did not commit any offence as alleged by the prosecution. He further submits that the petitioner is aged about 70 years and has been in judicial custody since 04.03.2025. He also submits that the petitioner is ready to abide by any condition that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner is also involved in the offence and played a key role in the crime. He further submits that if bail is granted to the petitioner, he may threaten the other witnesses. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records including the First Information Report.

7. The petitioner was arrested on 04.03.2025 and has been in judicial custody since then. The overt act alleged against the petitioner is that he allowed the other accused persons to keep explosive substances in his premises. Considering the alleged overt act of the petitioner, this Court is of the opinion that further custody of the petitioner is not necessary in this case. Further, the petitioner has a permanent residence and deep roots in society. Therefore, there is less possibility of absconding. Considering the same and taking note of the period of incarceration, this Court is



CRL OP (MD) No.5512 of 2025

inclined to grant bail to the petitioner, however, subject to certain conditions.

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Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Theni;

(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, Theni 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 Judicial Magistrate, Theni;

(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 attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(vii) The petitioner shall not directly or indirectly make any inducement, threat



CRL OP (MD) No.5512 of 2025

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 or tamper with the evidence;

(viii) The petitioner shall also not directly or indirectly cause any threat to the defacto complainant and witnesses; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Theni 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/-  
27/03/2025

/ TRUE COPY /

/03/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

mbi  
TO

1 THE JUDICIAL MAGISTRATE

THENI

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



CRL OP (MD) No.5512 of 2025

2 DO-THROUGH

THE CHIEF JUDICIAL MAGISTRATE,  
THENI

3 THE SUPERINTENDENT  
CENTRAL PRISON, MADURAI

4 THE INSPECTOR OF POLICE,  
JAYAMANGALAM POLICE STATION,  
THENI DISTRICT.

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

ORDER  
IN

CRL OP(MD) No.5512 of 2025

Date :27/03/2025

HPS/SAR / 28.03.2025/6P/6C

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