



CRL OP(MD). No.5435 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Surya @ Mathiyalagan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur.

Crime No.85 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.Venkateshwar
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For pre-arrest bail in Crime No.85 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 20.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.2 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 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.85 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 04.03.2025, at about 17.30 hours, when the defacto complainant, the Sub-Inspector of Police, Thiruchitrambalam, along with his team, was on surveillance near Thuravikadu graveyard, they found that the petitioner and other accused persons were excavating and transporting 2/4 ($\frac{1}{4} + \frac{1}{4}$) unit of river sand in two bullock carts, each. On seeing the police, they fled from the scene of occurrence leaving behind the bullock carts. The police seized the river sand along with the bullock cart. Hence, this case.



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4. Mr.R.Venkateshwar, the learned counsel appearing for the petitioner, submits that the petitioner is an innocent person and that he has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl.Side) appearing for the respondent-Police, submits that the petitioner and other accused persons were excavating and transporting 2/4 ($\frac{1}{4} + \frac{1}{4}$) unit of river sand in two bullock carts, each. He further submits that the petitioner has no previous case. He however 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. Considering the quantity of the river sand allegedly excavated and transported by the petitioner and also considering the fact that the bullock carts along



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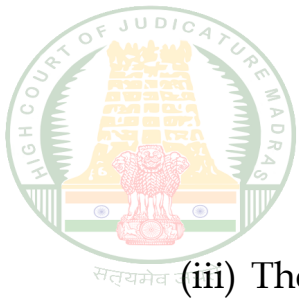
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with river sand have been seized, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for Investigation Agency in this case.

The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. The petitioner has no previous case. Considering the said fact, 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, Peravoorani, Thanjavur, 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) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif-cum-Judicial Magistrate, Peravoorani, Thanjavur;

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



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

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

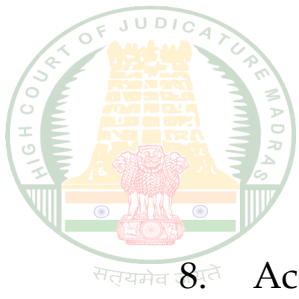
(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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;

(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, Peravoorani, Thanjavur, 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
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/04/2025

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

apd
TO

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

2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT.

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

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

ORDER
IN

CRL OP(MD) No.5435 of 2025
Date :24/03/2025

HPS/SAR / 22.04.2025/6P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.