



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.5537 of 2025

Srinath,
S/o Selvam,
Muthal Street,
Gopalapuram,
Melavaluthur,
Papanasam Taluk,
Thanjavur District.

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Ayyampettai Police Station,
Thanjavur District.
Crime No. 120/2025.

... Respondent/Complainant

For Petitioner : Mr.Balavikram K,
Advocate
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.120 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 21.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Sole Accused apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303 (2) of BNS, 2023 r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.120 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 06.03.2025, at about 05.45 a.m., the respondent-Police along with his police team were conducting an inspection near Chakkarapatti Kudamurutti river in order to prevent the theft of sand. At that time, the police found that the petitioner has illegally excavated and transported $\frac{1}{4}$ unit of river sand in a bullock cart without any valid license or permission. On seeing the Police, the petitioner fled from the place leaving the bullock cart behind. The Police seized the same. Hence, the case.

4. Mr.K.Balavikram, 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 that may 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 (Criminal Side)

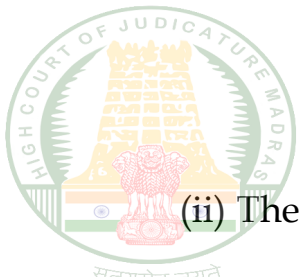


appearing for the respondent-police, submits that the petitioner has illegally excavated and transported 1/4 unit of river sand by using bullock cart without any valid license or permission. He further submits that there is no previous case pending against the petitioner. However, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides. This Court has perused the records.

7. Considering the quantity of river sand allegedly excavated and transported by the petitioner and the fact that the bullock cart has been seized, this Court is of the view that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, 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 quantity of river sand allegedly excavated and transported by the petitioner, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate III, 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 Judicial Magistrate III, Thanjavur;



WEB COPY

(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 III, Thanjavur, 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 weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders;

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

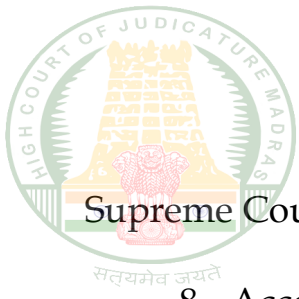
(V) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

(vi) The petitioner shall not leave India without the previous permission of the Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate III, Thanjavur;

(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 Judicial Magistrate III, 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].

WEB COPY

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

Sd/-

25.03.2025

// True Copy //

/04/2025

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

Madurai Bench of Madras High Court,
Madurai.

TSG

TO

1 THE JUDICIAL MAGISTRATE NO.III, THANJAVUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

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

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

ORDER
IN

CRL OP(MD) No.5537 of 2025

Date :25/03/2025

RS (16/04/2025) 5P/ 5C

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