



CRL OP(MD). No.5541 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Azhaku,
S/o. Muthuramalingam,
No.7/243,
Seiyamangalam Perianaikkulam,
Kamuthi (Tk),
Ramanathapuram District.

... Petitioner/ Accused Rank not known

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.
Crime No. 22 of 2025

... Respondent/Complainant

For Petitioner : Mr.Rajiv Gandhi,
Advocate
For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

<https://www.mhc.tn.gov.in/judis> PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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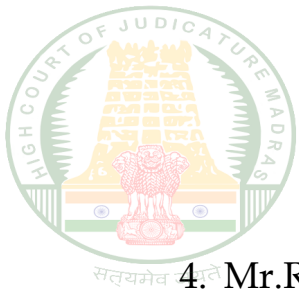
For Anticipatory Bail in Crime No. 22 of 2025 on the file of the respondent-Police.

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 / Accused Rank not known apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303 (2) of BNS, 2023 r/w Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.22 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 11.02.2025, at about 06.15 a.m., based on a secret information, the respondent-Police were conducting an inspection near Paralai river. At that time, the police found that the petitioner along with other accused persons have illegally excavated and transported 0.70 units of river sand in a Tractor with trailer bearing Registration No.TN-63-F -0324 and TN-67-F-5748 without any valid license or permission. On seeing the Police, they escaped from the place by leaving the vehicle behind. Thereafter, the respondent-Police seized the sand and the alleged vehicle. Hence, the case.



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4. Mr.Rajiv Gandhi, 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, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner, along with other accused persons, have illegally excavated and transported 0.70 unit of river sand by using tractor with trailer 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 vehicles have 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



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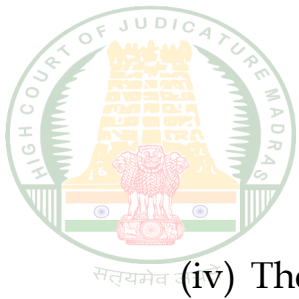
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excavated and transported by the petitioner, and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(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, Kamuthi, Ramanathapuram District, 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, Kamuthi, Ramanathapuram 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 Judicial Magistrate, Kamuthi, Ramanathapuram 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 weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders;



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(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, Kamuthi, Ramanathapuram District ;

(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, Kamuthi, Ramanathapuram District, or Trial Court, as the case may be, is entitled to pass appropriate orders against the petitioner in accordance with law



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as if the aforementioned conditions are imposed by him as laid down by the Hon'ble

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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/-
25/03/2025

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

TSG
TO

1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
ABIRAMAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN
CRL OP(MD) No.5541 of 2025
Date :25/03/2025

MK/SAR /15.04.2025 6P/5C

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