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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5524 of 2025

Kumar,
S/o.Suppaiya,
Vellur Siruvarai,
Manalur Post,
Manamelkudi Taluk,
Pudukkottai District.

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Manamelkudi Police Station,
Pudukkottai District.
Crime No.53 of 2025

... Respondent/ Complainant

For Petitioner : Mr.R.Prasanna, Advocate
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.53 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-



under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

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2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303 (2) of BNS r/w Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act in Crime No.53 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 19.03.2025, based on a complaint given by the Village Administrative Officer, the respondent-Police were conducting an inspection near Vellur Main Road. At that time, the police found that the petitioner has illegally excavated and transported 2/4 ($\frac{1}{2} + \frac{1}{2}$) units of river sand in two bullock carts without any valid license or permission. On seeing the Police, he fled from the place by leaving behind the bullock carts behind. The Police seized the same. Hence, the case.

4. Mr.R.Prasanna, 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)

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appearing for the respondent-police, submits that the petitioner has illegally



excavated and transported 2/4 ($\frac{1}{2} + \frac{1}{2}$) units of river sand by using two bullock carts without any valid license or permission. He further submits that he is the owner of the bullock carts. 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 carts 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 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 District Munsif cum Judicial Magistrate, Manamelkudi, 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, Manamelkudi;

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(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, Manamelkudi, 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 District Munsif cum Judicial Magistrate, Manamelkudi;

(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, Manamelkudi, 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].

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, MANAMELKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, MANAMELKUDI POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1. CC to R.PRASANNA Advocate SR.No.3536[I] Dated 27/03/2025

ORDER
IN

CRL OP(MD) No.5524 of 2025

Date :25/03/2025

RS(15/04/2025) 5P/ 6C

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