



CRL OP(MD). No.6028 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6028 of 2025

Muruganantham

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
S.P. Pattinam Police Station,
Ramanathapuram District
Crime No. 25 of 2025

... Respondent/Complainant

For Petitioner : Ms.Athamali S.,
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.25 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 28.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the



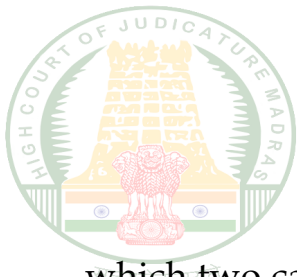
CRL OP(MD). No.6028 of 2025

offences punishable under Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 and Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 in Crime No.25 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 08.03.2025, at about 04.00 a.m., the defacto complainant and other officials reached Thomaiyarpuram, Pampatru River and found that the accused persons were excavating and transporting 2 units of river sand illegally by using JCB bearing Registration No.TN 65 BB 3920 and Ashok Leyland Tipper Lorry bearing Registration No.TN 04 AB 1388. The petitioner fled from the place. A2 and A3 were arrested. Based on their confession, the petitioner has been arrayed as A1. Hence, the case.

4. Mr.S.Athamali, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution, and 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. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner is the owner of two vehicles and he, along with two other accused persons illegally excavated and transported the river sand. He further submits that the petitioner has four previous cases, out of



CRL OP(MD). No.6028 of 2025

WEB COPY

which two cases are similar in nature and therefore, if pre-arrest bail is granted to the petitioner, he will commit the similar offence. He further submits that this is the second pre-arrest bail application filed by the petitioner and the earlier pre-arrest bail filed by the petitioner in Crl.O.P.(MD).No.4784 of 2025 stands dismissed vide order dated 14.03.2025. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. It is stated that the petitioner has four previous cases, out of which two cases are similar to the present crime. Therefore, it appears that the petitioner is a habitual offender and there is no change in circumstances. Hence, this Court is of the opinion that if pre-arrest bail is granted to the petitioner, he will commit the similar offence and thereby cause damage to environment and loss to the Nation's wealth. Therefore, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-
02/04/2025

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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 Inspector of Police, S.P. Pattinam Police Station, Ramanathapuram District.



CRL OP(MD). No.6028 of 2025

WEB COPY

2.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER
IN
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Date :02/04/2025

NBF/SAR/ (24/04/2025) 4P/3C

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