



CRL OP(MD). No.5549 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1.Mukilan
2.Natarajan
3.Vignesh

... Petitioners/ Accused Nos.3, 5, 7

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Peravurani Police Station,
Thanjavur District.
Crime No.94 of 2025

... Respondent/Complainant

For Petitioners : Mr.R.Prasanna
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.94 of 2025 on the file of the respondent-police.



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ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners on 24.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend 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.94 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 15.03.2025, at about 10.00 hours, the respondent-Police during routine vehicle check up, found two two-tyre bullock carts with 1/2 unit ($1/4 + 1/4$) of river sand. On seeing the Police, the petitioners, A4 and A6 ran away while, A1 and A2, who were riding the bullock carts, untied the bullocks and attempted to escape. However, they were apprehended by the respondent-Police. The petitioners and other accused were arrayed as accused based of the confession of A1 and A2. Hence, the case.



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4. Mr.R.Prasanna, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and that they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that A1 and A2 were already arrested and released on bail and that A4 and A6 were arrested and are still in judicial custody. He further submits that the petitioners have no previous case. However, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offences allegedly committed by the petitioners and the fact that bullock carts have been seized from A1 and A2, this Court is of the opinion that custodial interrogation of the petitioners is not necessary for the investigation agency in this case. Further, the petitioners have permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Considering the same



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and also considering the fact that the petitioners are first offenders, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned District Munsif cum Judicial Magistrate, Peravurani, 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) each 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, Peravurani;

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

(iii) The petitioners shall make themselves available for interrogation by a police officer as and when required;

(iv) The petitioners 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



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him from disclosing such facts to the Court or to any police officer;

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(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(vii) The petitioners shall furnish their residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Peravurani; and

(viii) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Court as the case may be, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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/-
26/03/2025

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/04/2025

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



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TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, PERAVURANI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THANJAVUR DISTRICT AT KUMBAKONAM.
 - 3 THE INSPECTOR OF POLICE,
PERAVURANI POLICE STATION, THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.R.PRASANNA, Advocate (SR-3537[I] dated 27/03/2025)

ORDER
IN
CRL OP(MD) No.5549 of 2025
Date :26/03/2025

SS/SAR- /23/04/2025/ 6P/6C

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