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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

CRL OP(MD). No.5596 of 2025

1.Chinathambi

... Petitioner / A1

2.Vijaya Raja

... Petitioner/ Accused (Rank not known)

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Melur Police Station,
Madurai District.
Crime No.129 of 2025

... Respondent/Complainant

For Petitioners : Mr.R.Boopathi
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.129 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 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 Sections 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(5) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.129 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.03.2025, at about 01.15 p.m., the defacto complainant, during routine vehicle check up on Attukulam Main Road, found that a tipper lorry bearing Registration No.TN 20 AB 4468 illegally unloaded gravel sand for commercial purpose without permission. Hence, the case.

4. Mr.R.Boopathi, learned counsel appearing for the petitioners submits that the petitioners did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that licence has been granted to the first petitioner to excavate gravel sand. He however submits that the petitioners are ready to abide by any conditions to 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 the first petitioner is the owner of the tipper lorry bearing Registration No.TN 20 AB 4468 and the petitioners illegally transported 1 unit gravel sand for commercial purpose. He further submits that the first petitioner has four previous cases, out of which, one is similar in nature and that the second petitioner has 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 considering the fact that vehicle which allegedly transported gravel sand had already been seized, the custodial interrogation of the petitioners is not required. Further, the petitioners have permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. Considering the same and considering the nature of the offences allegedly committed by the petitioners 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 Judicial Magistrate, Melur, Madurai 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) each 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, Melur, Madurai 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 shall obtain a copy of any one of identity proofs to ensure



their identity;

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

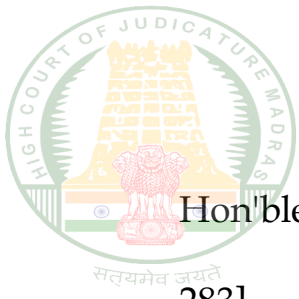
(v) The petitioners shall not leave India without the previous permission of the Court;

(vi) Thereafter, the petitioners shall appear and sign before the respondent-Police weekly twice i.e., on every Monday and Friday at 10.00 a.m. until further orders;

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

(viii) The petitioners shall not, directly or indirectly, cause any threat to witnesses and shall not tamper the evidence; and

(ix) 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].

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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
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

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TO

1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE, MELUR POLICE STATION,
MADURAI DISTRICT.

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

+1. CC to MR.R.BOOPATHI Advocate SR.No.3558[I] Dated 27/03/2025

ORDER
IN

CRL OP(MD) No.5596 of 2025

Date :26/03/2025

RS (17/04/2025) 5P/ 6C

Madurai Bench of Madras High Court is issuing
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