



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

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Date : 26.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5632 of 2025

V.Sasikala

... Petitioner/sole accused

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Mayanoor Police Office,
Mayanoor, Karur District.
Crime No.261 of 2024

... Respondent/Complainant

For Petitioner : Mr.T.Rahamathulla

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.261 of 2024 on the file of the respondent-police.



ORDER : The Court made the following order :-

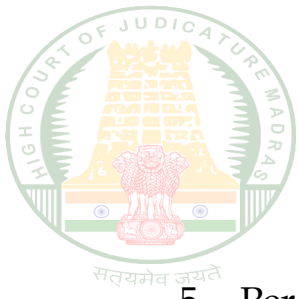
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This Criminal Original Petition has been filed by the petitioner on 24.03.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant an order of pre-arrest bail.

2. The petitioner apprehends 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 Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.261 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 05.07.2024, at about 02.00 p.m., the Revenue Divisional Officer found 85 gunny bags of river sand kept in S.F.No.161/30 B2 without valid permission in the land that belongs to the petitioner herein. Hence, the case.

4. Mr.T.Rahamathulla, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and a false case has been foisted against her. 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.



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5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that 85 gunny bags of river sand from cauvery river was kept in the petitioner's house illegally without valid permission. He further submits that the 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. Considering the fact the illegally kept river sand has already seized by investigation officer, the custodial interrogation of the petitioner is not necessary and the petitioner has permanent residence and deep roots in the Society and therefore, there is less possibility of absconding. The petitioner is a woman and she is first offender. Considering the same and the nature of the offences alleged against 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 bail in the event of her arrest or in the event of her surrender before the learned Judicial Magistrate, Krishnarayapuram, 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, Krishnarayapuram;

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

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

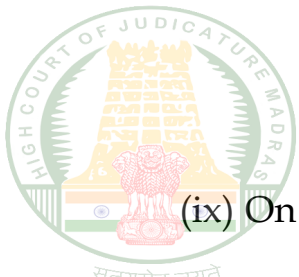
(iv) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer;

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

(vi) Thereafter, the petitioner 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 petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Krishnarayapuram;

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



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(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 petitioner 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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.The Judicial Magistrate,
Krishnarayapuram

2.Do Through,
The Chief Judicial Magistrate,Karur District

3.The Inspector of Police,
Mayanoor Police Station,
Mayanoor, Karur District.

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



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ORDER
IN
CRL OP(MD) No.5632 of 2025
Date :26/03/2025

MGJ(07.04.2025) 6P 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023