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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.5633 of 2025

K.Ilavarasan

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Avudaiyarkoil Police Station,
Pudukkottai District.
Crime No.33 of 2025

... Respondent/Complainant

For Petitioner : Mrs.P.Krishnaveni
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.33 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 24.03.2025 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 offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Sections 21(1) and 21(2) of Mines and Minerals (Development and



Regulation) Act, 1957, in Crime No.33 of 2025 on the file of the respondent-police.

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3. The case of the prosecution is that on 20.03.2025, based on information, the respondent-Police reached the spot and found that a Ashok Leyland Tipper bearing Registration No.TN-48-H-1717 was illegally loaded with three units of river sand without permission. A2, the driver of the vehicle was arrested based on his confession statement and the petitioner, who is the owner of the vehicle has been arrayed as A1. Hence, the case.

4. Mrs.P.Krishnaveni, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. She however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Hence, she 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 and other accused person illegally loaded Ashok Leyland Tipper bearing Registration No.TN 48 H 1717 with three units of river sand from Kattaru River 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. In view of the offences allegedly committed by the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the



Investigation Agency in this case. Further, the petitioner has permanent residence and deep roots in the Society, and therefore, there is less possibility of absconding.

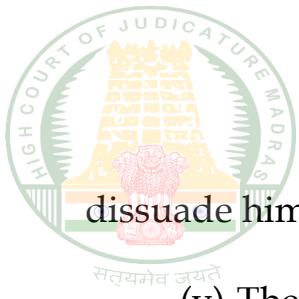
Considering the same and taking into account the fact that the petitioner is a first offender and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(i) The petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Aavudaiyarkovil, Pudukkottai 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Aavudaiyarkovil, Pudukkottai 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;

(iii) The petitioner shall make himself 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 daily at 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Aavudaiyarkovil, Pudukkottai District; 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 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

// True Copy //

/04/2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai.

mbi



1 THE JUDICIAL MAGISTRATE, AAVUDAIYARKOVIL,
PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

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

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

+1. CC to KRISHNAVENI P Advocate SR.No.3486[I] Dated 26/03/2025

ORDER
IN

CRL OP(MD) No.5633 of 2025
Date :26/03/2025

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

Madurai Bench of Madras High Court is issuing
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