



WEB COPY

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.5645 of 2025

1.A.Sanjay
2.B.Usman

... Petitioners / A2 & A3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
Crime No.86 of 2025

... Respondent/Complainant

For Petitioners : Mr.S.Atham Ali
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.86 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(1) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.86 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 20.03.2025, at about 22.30 hours, during patrolling duty, when the respondent-Police intercepted a tractor and trailer, the driver of the tractor drove the vehicle without stopping, unloaded the *savudu* sand and escaped into Panangadu, leaving the tractor and trailer. On inspection, the Police found that $\frac{3}{4}$ unit of *savudu* sand remained in the trailer and the sand was taken illegally without valid permission. Hence, the case.

4. Mr.S.Atham Ali, learned counsel for the petitioner seeks permission of this Court to withdraw this petition *qua* second petitioner is concerned. To that effect, he has made an endorsement in the case file and the same is extracted hereunder;

"I may be permit to withdraw insofar as 2nd petitioner/

Accused No.3 is concerned"

5. As far as the first petitioner is concerned / A2 is concerned, the learned counsel for the petitioners submits that he 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 first petitioner.



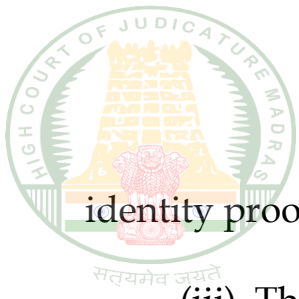
6. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the first petitioner has no previous case. However, he prays to dismiss this Criminal Original Petition.

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

8. The first petitioner has 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 first petitioner and taking note of the fact that the first petitioner is a first offender and with a view to give an opportunity to the first petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the first petitioner subject to the following conditions:

(i) The first petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Ramanathapuram, 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 No.I, Ramanathapuram;

(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 first petitioner shall make himself available for interrogation by a police officer as and when required;

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

(vi) Thereafter, the first 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 first petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Ramanathapuram;

(viii) The first petitioner shall not, directly or indirectly, cause any threat to the defacto complainant and 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 first 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].

9. Accordingly, this Criminal Original Petition is allowed *qua* first petitioner



subject to the conditions stated *supra* and dismissed as withdrawn *qua* second petitioner.

Sd/-

26.03.2025

// True Copy //

/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 NO.I, RAMANATHAPURAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE, DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER
IN

CRL OP(MD) No.5645 of 2025
Date :26/03/2025

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

Madurai Bench of Madras High Court is issuing
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