



CRL OP(MD). No.5813 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/03/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Karuppaiya Alias Karuppasamy

... Petitioner/ A3

Vs

The State of Tamilnadu
Rep., by, the Sub Inspector of Police
Chinthamanipatti Police Station,
Karur District
(Crime No. 36 of 2025)

... Respondent/Complainant

For Petitioner : Mr.A. Manikandan
Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

C-33AB. For Anticipatory Bail in Crime No. 36 of 2025 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 26.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / A3 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.36 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 07.02.2025, at about 8.00 pm, the defacto complainant viz., Special Revenue Inspector, Geology and Mines Department, Karur District, on patrol duty near petrol bunk of Tharangampatty, they found that the petitioner herein, along with two other accused person, was illegally excavating and transporting 2 units of gravel sand by using a Tipper Lorry bearing Regn.No.TN 30 Y 5266 from the Patta land belonging to the petitioner / A3. Hence, the case.

4. Mr.A.Manikandan, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions that may be imposed by this Court. He therefore prays for grant of pre-arrest bail to the



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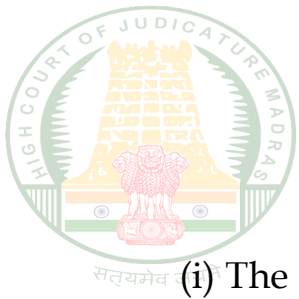
petitioner.

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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there is one previous case pending against the petitioner, which is similar in nature. He further submits that the investigation of the case is still pending and, thereafter, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioner and quantity of gravel sand allegedly excavated from the petitioner's patta land and transported by the other accused persons, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Considering the same, and also considering the facts and circumstances of the case, and with a view to give one more 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.



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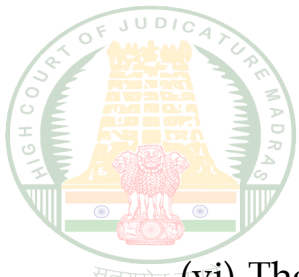
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Kulithalai, Karur District within a period of 15 days from the date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the the learned Judicial Magistrate No.I, Kulithalai, Karur 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 No.I, Kulithalai, Karur District shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent - police weekly twice ie., on every Monday and Friday at 10.00 am until further orders;

(iv) The petitioner shall make himself available for interrogation by a police officer as and when required.

(v) 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.



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Court.

(vi) The petitioner shall not leave India without the previous permission of the

(vii) The petitioner shall not tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Kulithalai, Karur District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Kulithalai, Karur District, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him 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/-
28/03/2025

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/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP



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TO
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1. The Judicial Magistrate No.I, Kulithalai, Karur District
 2. Do-Through The Chief Judicial Magistrate,
Karur District.
 3. The Sub Inspector of Police,
Chinthamanipatti Police Station,
Karur District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1. CC to M/S. MANIKANDAN.A. Advocate SR.No.3718(I) DT.01.04.2025

ORDER
IN

CRL OP(MD) No.5813 of 2025

Date :28/03/2025

PP/SAR. /30.04.2025/6P/6C

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