

CRL OP(MD). No.5827 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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1. Prasanth
2. Pradeep

... Petitioners/ Accused

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kulithalai Police Station,
Karur District.
Crime No.163 of 2025.

... Respondent/ Complainant

For Petitioner : Mr. V. Vishnu
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.163 of 2025 on the file of the Respondent - Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioners 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 petitioners / Accused apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 (corresponding Section 379 of IPC) and Section 21(1) of Mines and Minerals (Development and Regulation), Act, 1957, in Crime No.163 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 22.03.2025, on receiving a secret information, when the defacto complainant along with his officials, conducted a vehicle check up, they found that the petitioners herein, were illegally excavating and transporting 4 bags of river sand on a Two Wheeler bearing Regn.No.TN70C3903. Hence, the case.

4. Mr.V.Vishnu, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the



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petitioners.

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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are no previous cases against the petitioners. He further submits that the investigation of the case is pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the defacto complainant and witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the illegally transported river sand, were seized along with two wheeler, the custodial interrogation of the petitioner is not necessary for investigating agency in this case. Further, the petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and taking note of the fact that there are no previous cases against the petitioners and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest



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or in the event of their surrender before the learned Judicial Magistrate No.II, Kulithalai, 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 No.II, Kulithalai.

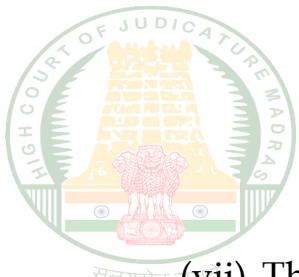
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate No.II, Kulithalai shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners 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 petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) 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.

(vi) The petitioners shall also not directly or indirectly cause any threat to the defacto complainant and witnesses and tamper with evidence.



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the Court.

(vii) The petitioners shall not leave India without the previous permission of

(viii) The petitioners shall furnish their residential address and mobile number to the the learned Judicial Magistrate No.II, Kulithalai.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Kulithalai, 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 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.II, KULITHALAI.
2. DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
KULITHALAI POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.5827 of 2025
Date :28/03/2025

PR/SAR. /23.04.2025/6P/5C

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