



CRL OP(MD). No.5822 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 15/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.5822 of 2025

Dineshkumar,

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,,  
Rep. by the Inspector of Police,  
Seithur Police Station,  
Virudhunagar District.  
(Crime No. 197 of 2022).

... Respondent/Complainant

For Petitioner : Mr.D. Rajaboopathy,  
Advocate.

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. 197 of 2022 on the file of the respondent-Police.



CRL OP(MD). No.5822 of 2025

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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 26.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Accused No.2 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 379 of Indian Penal Code, 1860, and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.197 of 2022 on the file of the respondent-Police.

3. The case of the prosecution is that on 09.09.2022, at about 12.30 hours, while the defacto complainant-Village Administrative Officer, Vadakku Devadanam, and Zonal Deputy Tahsildar were on routine check-up, the petitioner and other accused person had transported one unit of 'river sand' by using tractor with trailer bearing Registration No.TN 67 V 2134 without any valid license or permission. On seeing the police party, the driver of the tractor fled away from the scene of occurrence. Thereafter, the defacto complainant handed over the sand along with the alleged vehicle to the respondent-Police. Hence, the case.



CRL OP(MD). No.5822 of 2025

WEB COPY

4. Mr.D.Rajaboopathy, the learned counsel for the petitioner, submits that the petitioner is an innocent person, 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 to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner along with other accused has transported one unit of river sand by using Tractor along with Tractor bearing Registration No.TN 67 V 2134 without any valid license or permission. He further submits that there are two previous cases pending against the petitioner, out of which, one is similar in nature. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. In view of the fact that the vehicle along with river sand has already been seized and the quantity of the river sand allegedly excavated and transported by the



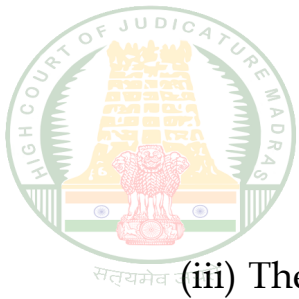
CRL OP(MD). No.5822 of 2025

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petitioner, this Court is of the opinion that the custodial interrogation of the petitioner is not necessary for the investigating agency. Further, the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, 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.

(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, Rajapalayam, Virudhunagar District, within a period of 15 days from 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, Rajapalayam, Virudhunagar 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, Rajapalayam, Virudhunagar District, shall obtain a copy of any one of identity proofs to ensure their identity;



CRL OP(MD). No.5822 of 2025

WEB COPY

(iii) The petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

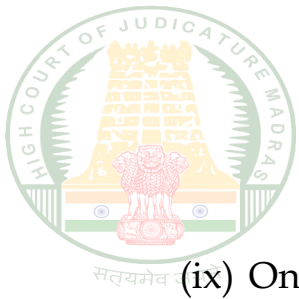
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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;

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

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

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



CRL OP(MD). No.5822 of 2025

WEB COPY

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, 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 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/-  
15/04/2025

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/05/2025  
Sub-Assistant Registrar (CS-I/II/III/IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

vsg

TO

1.The Judicial Magistrate,  
Rajapalayam, Virudhunagar District.

2.THE CHIEF JUDICIAL MAGISTRATE,  
VIRUDHUNAGAR DISTRICT @ SRIVILLIPUTHUR.



CRL OP(MD). No.5822 of 2025

3.The Inspector of Police,  
Seithur Police Station,  
Virudhunagar District.

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

ORDER  
IN  
CRL OP(MD) No.5822 of 2025  
Date :15/04/2025

VN/08.05 .2025 7P/5C

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