



CRL.OP(MD). No.5893 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.5893 of 2025

1.Sethupathy  
2.Kavimurugan  
3.Muthumari

... Petitioners / Accused Nos.1 to 3

Vs.

The State of Tamil Nadu rep by  
The Inspector of Police,  
Sayalkudi Police Station,  
Ramanathapuram District.  
(Crime No.49 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya  
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the  
petitioners in Crime No.49 of 2025 on the file of the respondent-police.

For Petitioners : Mr.S.Muniyandi,  
Advocate

For Respondent : Mr.S.S.Manoj,  
Government Advocate  
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 27.03.2025



CRL.OP(MD). No.5893 of 2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying  
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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 BNS, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.49 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the respondent-police, along with his team, conducted a raid to prevent the illegal transportation of sand at the Malattaru River. On 16.03.2025 at about 05.00 a.m., during the search operation, the respondent intercepted a tractor bearing Reg.No.TN-72-Q-8525 that was allegedly transporting river sand worth about one unit without obtaining prior approval from the Government. Upon noticing the presence of the police, the accused persons fled from the scene abandoning the tractor loaded with sand. Hence, the case.

4. Mr.S.Muniyandi, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as alleged by the prosecution, and a false case has been foisted against the petitioners.



CRL.OP(MD). No.5893 of 2025

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 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 the accused persons had illegally excavated and transported river sand without any permission. He further submits that the petitioners have been arrayed as Accused Nos.1 to 3. He further submits that Accused No. 1 has eight previous cases pending against him, out of which two are of a similar nature. Accused No. 2 has two previous cases, including one of a similar nature, and Accused No. 3 also has two previous cases, one of which is similar in nature. He further submits that if pre-arrest bail is granted to the petitioners, they will commit similar type of offence and cause loss to wealth of the nation. Accordingly, 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 allegedly transported sand has already been seized by the respondent-police, the custodial interrogation of the petitioners is not



CRL.OP(MD). No.5893 of 2025

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necessary. Further, the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and the quantity of sand allegedly excavated and transported by the petitioners and taking note of the fact that A1 is the driver of the vehicle, A2 is the coolie worker and A3 is the owner of the vehicle and 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 or in the event of their surrender before the learned Judicial Magistrate, Kadaladi, 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) 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, Kadaladi, Ramanathapuram.

(ii) The sureties shall affix their photographs and left thumb impression in the



CRL.OP(MD). No.5893 of 2025

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 petitioners shall appear and sign before the respondent-police daily at 10.00 a.m. 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 shall not tamper the evidence.

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



CRL.OP(MD). No.5893 of 2025

WEB COPY

(viii) The petitioners shall furnish their residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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/-  
01/04/2025

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



CRL.OP(MD). No.5893 of 2025

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To

- 1.THE JUDICIAL MAGISTRATE,  
KADALADI, RAMANATHAPURAM.
  2. THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
  - 3.THE INSPECTOR OF POLICE,  
SAYALKUDI POLICE STATION,  
RAMANATHAPURAM DISTRICT.
  - 4.THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
- +1. CC to S.MUNIYANDI Advocate SR.No.3772 (I) DT.02/04/2025

ORDER IN  
CRL OP(MD) No.5893 of 2025  
Date :01/04/2025

PR/29.04 .2025 7P/6C

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