



CRL OP(MD). No.6040 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Yogaraj

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Sivagangai Taluk Police Station,
Sivagangai District.
Crime No. 76 of 2025

... Respondent/Complainant

For Petitioner : Mr.R.Senthilkumar,
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. 76 of 2025 on the file of the respondent-Police.



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303 (2) of BNS, 2023 r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.76 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 20.03.2025, at about 04.00 a.m., based on a secret information from the defacto complainant, the respondent-Police along with his police team were conducting an inspection near Naalukottai Karungulam Kanmoi. At that time, the police found that the petitioner has illegally excavated and transported 1 unit of gravel sand in a Taurus Lorry bearing Registration No.TN-76-AJ-5826 by using JCB bearing Registration No.TN-67-AU-8842 without any valid license or permission. Thereafter, the respondent-Police seized the sand and the alleged vehicles from the accused. Hence, the case.



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4. Mr.R.Senthilkumar, the learned counsel for the petitioner, submits that the petitioner is an innocent person and he has not committed 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. 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 has illegally excavated and transported one unit of gravel sand by using JCB and Taurus Lorry without any valid license or permission. He further submits that there are four previous cases pending against the petitioner, out of which one case is similar in nature. 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 vehicles along with illegally transported gravel sand have already been seized by the respondent-Police, the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding.



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Considering the same, and also considering the quantity of river sand allegedly excavated and transported by the petitioner, 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.

(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 II, Sivagangai, 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.50,000/- (Rupees Fifty Thousand only) along with two sureties, each for a like sum of Rs.50,000/- (Rupees Fifty Thousand only) to the satisfaction of the learned Judicial Magistrate II, Sivagangai;

(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 II, Sivagangai, 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 daily, twice at 10.00 a.m., and 05.00 p.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



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or promise to any person acquainted with the facts of the case so as to dissuade him

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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 II, Sivagangai;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate II, Sivagangai 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/-

02/04/2025

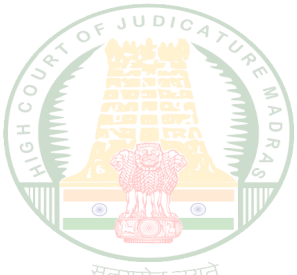
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Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.



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TSG
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1 THE JUDICIAL MAGISTRATE NO.II
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
SIVAGANGAI TALUK POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.SENTHILKUMAR, Advocate (SR-3783[I] dated 02/04/2025)

ORDER
IN

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Date :02/04/2025

SS/SAR- /23/04/2025/ 6P/6C

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