



CRL.OP(MD). No.6044 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.6044 of 2025

1.Krishnasamy Pandian

2.Paldurai

3.Boopathy

... Petitioners / Accused
Rank Not Known

Vs.

The State of Tamil Nadu rep by
The Sub-Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
(Crime No.90 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.90 of 2025 on the file of the respondent-police.

For Petitioners : Mr.C.Venkatesh,
Advocate

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



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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 28.03.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of BNS, 2023, in Crime No.90 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is presently working as the Village Administrative Officer at Achampatti Village, was on patrol duty in the said village. During the course of his duty, he received a tip-off that certain individuals were illegally transporting Saral sand near the Achampatti Balu Udayar Sastha pond. Acting upon the information, he proceeded to the location, where two tractors bearing registration numbers TN-79-F-1561 and TN-76-AQ-8229 approached. Upon inspection, he found that A1 and A2, were transporting one unit of Saral sand in each tractor without a valid permit. The further case of the prosecution reveals that nearly 20 units of pond sand and 80 units of Saral sand were illegally excavated and transported by the accused persons. Hence, the case.



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4. Mr.C.Venkatesh, the learned counsel appearing for the petitioners, submits that the petitioners are innocent persons and have not committed any offence as alleged by the prosecution. He further submits that the petitioners have been falsely implicated in this case based on the confession statement given by A1. He further submits that there are no previous cases against the petitioners. He further submits that the petitioners are ready to abide by any other conditions that may be imposed by this Court. Hence, he prays for the grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally eleven accused persons in this case and the petitioners have been arrayed as A6 to A8. He further submits that the investigation reveals nearly 20 units of pond sand and 80 units of Saral sand, valued at approximately Rs.1,00,000/-, were illegally excavated and transported by the accused persons. He further submits that if this Court grants pre-arrest bail to the petitioners, again they will commit similar type of offence and will cause lose to the wealth of the nation. Hence, he prays for dismissal of this Criminal Original Petition.

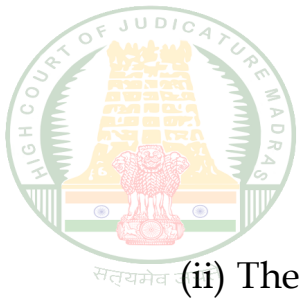


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6. Heard on both sides. This Court has perused the records.
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7. In view of the nature of the offence allegedly committed by the petitioners and also considering the fact that the minerals transported along with vehicles have been already seized, this Court is of the opinion that the custodial interrogation of the petitioners is not necessary for the investigation agency in this case. Further, the petitioners have permanent residence and hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case and the fact that the petitioners are first offenders, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions:

(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.III, Tirunelveli, 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.25,000/- (Rupees Twenty Five Thousand only) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.



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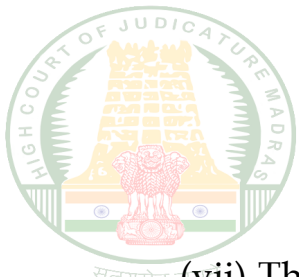
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 09.00 a.m. until further orders.

(iv) 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.

(v) The petitioners shall also not, directly or indirectly, cause any threat to the witnesses and shall not tamper the evidence.

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



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

(viii) 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/-
21/04/2025

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

PAL

TO

1.THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

6/7



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2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE SUB-INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6044 of 2025
Date :21/04/2025

HPS/29.05.2025 /7P/5C

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