

CRL OP (MD) No.6071 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.6071 of 2025

Murugan

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu
Rep. by the Inspector of Police
Thiruchulli Police Station,
Virudhunagar District
(Crime No. 55 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.S.Sivaprakash, Advocate.
For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

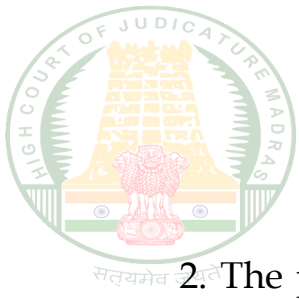
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For Bail in Crime No.55 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 28.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of bail.



CRL OP (MD) No.6071 of 2025

WEB COPY

2. The petitioner was arrested and remanded to judicial custody on 19.03.2025 for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023, Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, and Section 5 of Explosive Substances Act, 1908 r/w Section 9(B)(1)(b) of Indian Explosive Act, 1884, in Crime No.55 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 15.02.2025, based on secret information, the Village Administrative Officer, along with the respondent-police, went to the land in S.Nos.91/3, 91/4, and 91/7 for inspection. During the inspection, they found 42 holes filled with gelatin sticks, detonators, and fuse wires used for quarrying white stones. On seeing the officials, the petitioner and other accused persons fled the scene. Investigation revealed that the petitioner and other accused persons had taken the said lands on lease and were involved in illegal mining of white stone. Subsequently, the Village Administrative Officer filed a complaint with the respondent-police, who then seized the vehicles. Following the complaint, the respondent-police arrested the petitioner on 19.03.2025.

4. Mr.S.Sivaprakash, learned counsel appearing for the petitioner, submits that the petitioner has nothing to do with the alleged offence and that a false case has been foisted against the petitioner. He further submits that the petitioner has been in judicial custody since 19.03.2025 and is ready to abide by any conditions that may be



CRL OP (MD) No.6071 of 2025

imposed by this Court. Hence, he prays to grant bail to the petitioners.

WEB COPY

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are two previous cases pending against the petitioner, which are not similar in nature. He further submits that totally, there are twelve accused persons in this case and the petitioner has been arrayed as Accused No.2. He further submits that if the petitioner is enlarged on bail, he will commit similar offence and cause threat to the defacto complainant and witnesses. Hence, he vehemently opposes to grant bail to the petitioner.

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

7. The petitioner was arrested and has been in judicial custody since 19.03.2025. In this case, there are totally twelve accused persons. Accused Nos.4 to 7 were arrested and released on bail. Accused No.8 is the landowner, and the petitioner has been arrayed as Accused No.2. According to the prosecution, A2 was supervising the illegal mining and excavating of minerals (white stone), which caused a loss to the Government. The loss has been quantified at Rs.24,32,280/-. On perusal of the records, it is evident that the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility of absconding. Considering the same and also considering the fact that the petitioner has two previous cases, which are not similar in nature and were disposed of, and with a view to give an



CRL OP (MD) No.6071 of 2025

WEB COPY

opportunity to the petitioner to reform himself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One Lakh only) each along with two sureties each for a like sum of Rs.1,00,000/- (Rupees One Lakh only) to the satisfaction of the learned District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District;

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

(iii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District;

(iv) The petitioner shall deposit a sum of Rs.4,00,000/- (Rupees Four Lakhs only) to the credit of Crime No.(*)55 of 2025, before the learned District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District, within a period twenty days from the date of receipt of a copy of this order. In turn, the learned District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District shall deposit the same in



CRL OP (MD) No.6071 of 2025

WEB COPY

an interest-bearing fixed deposit in any nationalized bank for a period of one year and thereafter renew the same till the disposal of the case in Crime No.(*)55 of 2025.

The learned District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar/Trial Court shall pass orders qua entitlement of the said amount in its final order/Judgment;

(v) The petitioner shall appear and sign before the learned District Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District, on all working days at 10.00 a.m., and 05.00 p.m., until further orders;

(vi) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vii) The petitioner shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected;

(viii) 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 or tamper with the evidence;

(ix) The petitioner shall also not directly or indirectly cause threat to the defacto complainant and the witnesses; and

(x) On breach of any of the aforementioned conditions, the learned District



CRL OP (MD) No.6071 of 2025

Munsif cum Judicial Magistrate, Tiruchuli, Virudhunagar District, 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

(*)Corrected as per Order of this Hon'ble Court
dt.03/04/2025 in CrI.OP(MD).6071/2025.

/ TRUE COPY /

03/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

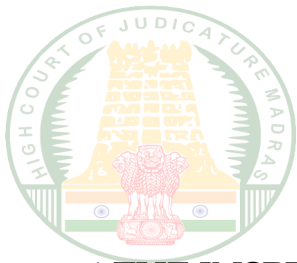
VSG

TO BE SUBSTITUTED WITH THE ORDER DT.02/04/2025 IS ALREADY
DESPATCHED
TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, TIRUCHULI,
VIRUDHUNAGAR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTTUR.

3 THE OFFICER INCHARGE, SUB JAIL, ARUPPUKOTTAI.



CRL OP (MD) No.6071 of 2025

4 THE INSPECTOR OF POLICE, THIRUCHULLI POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-3759[I] dated 02/04/2025)

ORDER
IN
CRL OP(MD) No.6071 of 2025
Date :02/04/2025

RS/IT/SAR-(02.04.2025) 7P 7C
JEN

SA/SAR. /03.04.2025/7P/7C

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