



CRL OP(MD). No.6301 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6301 of 2025

Satheesh Kumar

.. Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
Crime No. 272 of 2024.

... Respondent/Complainant

For Petitioner : Mr. N.Kumar
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. 272 of 2024 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 02.04.2025



CRL OP(MD). No.6301 of 2025

under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to

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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 303(2) of BNS, 2023 r/w. 21(4) of Mines and Minerals (Development and Regulation) Act, in Crime No.272 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 11.12.2024 at about 9.45 pm, when the defacto complainant were on patrol duty at Thevarmalai Village nearby Seethapatti Indian Oil Petro Bank, they found that the petitioner herein, were illegally excavating and transporting 5 units of Sand by using a Taurus Lorry bearing Reg.No.TN 52 T 7449. Hence, the case.

4. Mr.N.Kumar, 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 further submits that the petitioner is ready to abide by any conditions to be imposed by this Court. However, to show his *bona fide*, he is ready and willing to pay a sum of Rs.50,000/- to



CRL OP(MD). No.6301 of 2025

the credit of Crime No.272 of 2024 before the trial Court concerned. 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 there are totally two accused persons involved in this case and the petitioner herein is arrayed as A2 and he is the owner of the vehicle. He further submits that the vehicle along with minerals recovered from A1, who is the owner of the vehicle. He further submits that investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that the respondent-Police already seized the vehicle of the petitioner and minerals, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the



CRL OP(MD). No.6301 of 2025

society, and therefore, there is less possibility for absconding. Considering the same and with a view to give an 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 No.I, Kulithalai, 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) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

(ii) The petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.272 of 2024 before the learned Judicial Magistrate No.I, Kulithalai, without prejudice to his rights and contentions before the trial Court. On such deposit, the said Magistrate is directed to deposit the said amount in any one of the Nationalized Banks in a fixed deposit scheme for a period of one year and thereafter, renew the same till the conclusion of trial. The learned Judicial Magistrate / Trial Court shall pass orders qua entitlement of the amount in its final Judgment / order.



CRL OP(MD). No.6301 of 2025

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(iii) 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.

(iv) The petitioner shall appear and sign before the respondent – Police daily weekly twice i.e., on every Monday and Friday at 10.00 am until further orders.

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

(vi) 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.

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

(viii) The petitioner shall not enter into the defacto complainant's residence or his work place.



CRL OP(MD). No.6301 of 2025

WEB COPY

(ix) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(x) The petitioner shall not, directly, or indirectly, cause threat to the defacto complainant and tamper with the evidence.

(xi) 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 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/-
08/04/2025

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

TRP

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CRL OP(MD). No.6301 of 2025

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1 THE JUDICIAL MAGISTRATE NO.I
KULITHALAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE,
CHINTHAMANIPATTY POLICE STATION,
KARUR DISTRICT.

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

ORDER
IN

CRL OP(MD) No.6301 of 2025

Date :08/04/2025

SS/SAR- /29/04/2025/ 7P/5C

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