



CRL OP(MD). No.6191 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6191 of 2025

1.Muthusamy
2. Sakthivel,

... Petitioners/ Accused

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
Nangavaram Police Station,
Karur District.
Crime No.83 of 2025..

... Respondent/Complainant

For Petitioners: Mr.S.Vinayak,
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 Cr.No.83 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 petitioners on 02.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an



CRL OP(MD). No.6191 of 2025

order of pre-arrest bail.

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2. The petitioners / Accused No.2 and rank not known, apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303 (2) r/w 62 of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.83 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that the defacto complainant is the Village Administrative Officer, Neidhalur Village, Kulithalai Taluk, Karur District. When the defacto complainant was in patrol duty in his jurisdictional area on 26.03.2025, at about 12.30 p.m., A1 has excavated and quarried sand in the patta land, which belonged to the first petitioner/A2, by using JCB without any valid license or permission. The Police seized the same. Hence, the case.

4. Mr.S.Vinayak, 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 they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners and A1 has illegally excavated sand in A2's land by using JCB without any valid license or permission. He



CRL OP(MD). No.6191 of 2025

further submits that there is no previous case pending against the petitioners.

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Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. From the records, it is seen that totally there are three accused in this case. A1 is the driver of the JCB, A2/1st petitioner is the owner of the land and A3/2nd Petitioner is owner of JCB. The petitioners and other accused have illegally excavated sand in A2's patta land. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the quantity of sand allegedly excavated by the petitioners, and also considering the fact that vehicle used for alleged illegal excavation of sand has already been seized, the custodial interrogation of the petitioners is not necessary and hence, with a view to give one more opportunity to the petitioners to reform themselves, 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 II, Kulithalai, Karur District, within a period of 15 days from 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



CRL OP(MD). No.6191 of 2025

Thousand only) to the satisfaction of the learned Judicial Magistrate II, Kulithalai,
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Karur District,;

(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, Kulithalai, Karur District, shall obtain a copy of any one of identity proofs to ensure their identity;

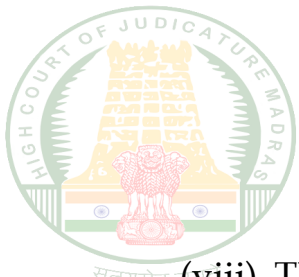
(iii) The first petitioner shall appear and sign before the respondent-Police weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders and the second petitioner shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

(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 not leave India without the previous permission of the Court;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate II, Kulithalai, Karur District,;



CRL OP(MD). No.6191 of 2025

WEB COPY

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate II, Kulithalai, Karur District, 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/-
04/04/2025

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/04/2025

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

vsg
TO

- 1 THE JUDICIAL MAGISTRATE II, KULITHALAI, KARUR DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3 THE INSPECTOR OF POLICE,
NANGAVARAM POLICE STATION, KARUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



CRL OP(MD). No.6191 of 2025

+1 CC to M/s.S.VINAYAK, Advocate (SR-4019[I] dated 07/04/2025)

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ORDER
IN
CRL OP(MD) No.6191 of 2025
Date :04/04/2025

NBF/SAR/ (29/04/2025) 6P/6C

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