



CRL OP(MD). No.6130 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6130 of 2025

1. Mariappan
2. Kalipandi

... Petitioners/ A1 and A2

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
Manur Police Station,
Tirunelveli District,
Cr.No.239 of 2025.

... Respondent/Complainant

For Petitioners	: Mr.S.Sudalaimani 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.239 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 01.04.2025



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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 petitioners / A1 and A2 apprehend arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.239 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 19.03.2025 at about 5.10 pm, when the defacto complainant were on patrol duty in Rasdha to Thalaiyuthu Junction, where they found that the petitioners herein, were illegally excavating and transporting 3 units Saral Sand from Government Promboke land by using a vehicle bearing Reg.No.TN 72 AP 6163. Upon seeing the officials, the petitioner abandoned the vehicle and fled the scene. The vehicle along with illegally transported gravel was sand. Hence, the case.

4. Mr.S.Sudalaimani, the learned counsel for the petitioners, submits that the petitioners are innocent person, 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 petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl. Side)



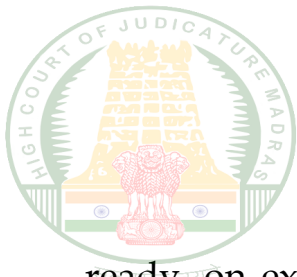
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appearing for the respondent-police, submits that there is no previous case pending against the 1st petitioner and 2nd petitioner is having one previous case. He further submits that the investigation of the case is still pending and, therefore, at this stage of investigation, if pre-arrest bail is granted to the petitioners, they may cause threat to the 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. In view of the offence alleged against the petitioners and quantity of sand allegedly excavated and transported by the petitioners and also considering the fact that vehicle along with allegedly transported sand has already been seized by defacto complainant, the custodial interrogation of the petitioners is not necessary in this case. 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 facts and circumstances of the case, and with a view to give an one 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 pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.V, Thirunelveli, within a period of 15 days from date on which the order copy is made



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ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial Magistrate No.V, Thirunelveli.

(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 No.V, Thirunelveli, shall obtain a copy of any one of identity proofs to ensure their identity.

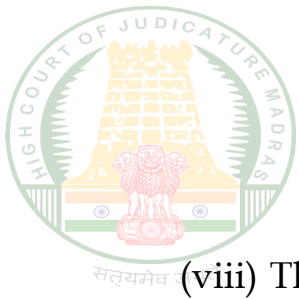
(iii) The petitioners shall appear and sign before the respondent - police weekly twice ie., on every Monday and Friday at 10.00 am until further orders;

(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 them 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 not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.



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(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.V, Thirunelveli,

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.V, Thirunelveli, is entitled to pass appropriate orders against the petitioners in accordance with law as if the aforementioned conditions are imposed by them 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/-
03/04/2025

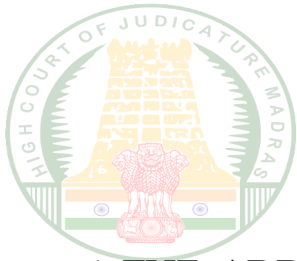
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30/04/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP
TO
1 THE JUDICIAL MAGISTRATE NO.V,
THIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MANUR POLICE STATION,
TIRUNELVELI DISTRICT,



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

+1 CC to M/s.S.SUDALAIMANI, Advocate (SR-3859[I] dated 03/04/2025)

ORDER
IN
CRL OP(MD) No.6130 of 2025
Date :03/04/2025

SA/SAR. /30.04.2025/6P/6C

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