



CRL OP (MD) No.6171 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.6171 of 2025

Anandhan

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Sub Inspector of Police,
Koodakovil Police Station,
Madurai District.
Crime No.42 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, 2023

PRAYER :-

For bail in Crime No.42 of 2025 on the file of the Respondent-Police.



CRL OP (MD) No.6171 of 2025

ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 01.04.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/Sole Accused was arrested and remanded to judicial custody on 21.03.2025 for the offences punishable under Section 303 of Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.42 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on the secret information, on 21.03.2025, at about 05:15 p.m., when the respondent-police were conducting vehicle check-up near Mundiypuram, Chinnaulagani, they found that the petitioner was illegally excavating and transporting one unit of gravel sand in a tipper lorry bearing Registration No.TN-75-F-6457 without any valid license or permission. The respondent-police seized the gravel sand and the alleged vehicle, and arrested the petitioner herein. Hence, the case.

4. Mr.S.Sivaprakash, learned counsel for the petitioner, submits that the petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution and that he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions that may be imposed



CRL OP (MD) No.6171 of 2025

by this Court. He further submits that the petitioner has been in judicial custody since 21.03.2025. He therefore prays for grant of bail to the petitioner.

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5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has illegally excavated and transported one unit of gravel sand in a tipper lorry bearing Registration No.TN-75-F-6457 without any valid license or permission. He further submits that there is one previous case pending against the petitioner, which is also similar in nature, and therefore, if bail is granted to the petitioner, he may commit the similar offence again. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner was arrested and remanded to judicial custody on 21.03.2025. The petitioner has permanent residence and deep roots in the society, and hence, there is less possibility of absconding. Considering the same, and also considering the period of incarceration, and taking note of the fact that the alleged vehicle and the gravel sand have been seized by the respondent-police, and with a view to give one more 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:



CRL OP (MD) No.6171 of 2025

WEB COPY

(i) The petitioner shall execute a bond for 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 learned Judicial Magistrate, Thirumangalam, Madurai 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, Thirumangalam, Madurai 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 Judicial Magistrate, Thirumangalam, Madurai District;

(iv) The petitioner shall appear and sign before the respondent-police daily at 10.30 a.m., until further orders;

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

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

(vii) 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;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumangalam, Madurai District, is entitled to pass appropriate orders



CRL OP (MD) No.6171 of 2025

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/-
03/04/2025

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

TSG

To

1. The Judicial Magistrate,
Thirumangalam, Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Officer-in-Charge,
Sub Jail, Thirumangalam.
4. The Sub Inspector of Police,
Koodakovil Police Station,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP (MD) No.6171 of 2025

WEB COPY +1 CC to M/s.S.SIVAPRAKASH, Advocate (SR-3813[I] dated 03/04/2025)

ORDER
IN

CRL OP(MD) No.6171 of 2025
Date :03/04/2025

MK/SAR /03.04.2025 6P/7C

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