



CRL OP(MD). No.6202 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Chandran

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.
Crime No. 438/2020.

... Respondent/ Complainant

For Petitioner : Mr.Neethidevan.M,
Advocate

For Respondent : Mr.S.S.Manoj,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

To enlarge the petitioner on bail in the event of his arrest by respondent police on the strength of the NBW issued in P.R.C.No. 69/2024 in Crime No. 438/2020 on the file of Judicial Magistrate No. II, Sivagangai, Sivagangai District.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 02.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to 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 379 of IPC r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act in P.R.C.No. 69/2024 on the file of learned Judicial Magistrate II, Sivagangai, Sivagangai District in connection with Crime No. 438/2020 on the file of the respondent-Police.

3. The case of the prosecution is that on 08.11.2020, at about 10.00 a.m., based on a complaint given by the Village Administrative Officer, the respondent-Police were conducting an inspection near Keelakottai river area. At that time, the police found that the petitioner and another accused has illegally excavated and transported ½ unit of river sand in an Ashok Leyland Dost Vehicle bearing Registration No.TN-63-AY-3036 without any valid license or permission. On seeing the Police, both accused persons have fled from the place by leaving the illegally excavated sand with equipment and vehicle behind. The Police seized the same.



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Hence, the case.

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4. Mr.M.Neethidevan, the learned counsel for the petitioner, submits that the petitioner is an innocent person and 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 to be imposed by this Court. He further submits that the respondent-Police has filed a charge sheet before the learned Judicial Magistrate II, Sivagangai and the same was taken cognizance in P.R.C.No.69 of 2024. He further submits that since the petitioner failed to appear before the Court after receiving the summons of the Court on 05.03.2025, Non Bailable Warrant was issued against him. 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 the petitioner has illegally excavated and transported $\frac{1}{2}$ unit of river sand by using an Ashok Leyland Dost Vehicle bearing Registration No.TN-63-AY-3036 without any valid license or permission. He further submits that there is no previous case pending against the petitioner. However, he prays to dismiss this Criminal Original Petition.



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6. Heard on both sides. This Court has perused the records.
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7. Considering the quantity of river sand allegedly excavated and transported by the petitioner, and considering the fact that the river sand and the vehicle have been seized by the respondent-Police, and taking note of the fact that the charge sheet has been filed before the concerned Court, this Court is of the view that custodial interrogation of the petitioner is not necessary for the Investigating Agency in this case. Further, the petitioner has 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 river sand allegedly excavated and transported by the petitioner, and with a view to give one more 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate II, Sivagangai, Sivagangai District, 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.25,000/- (Rupees Twenty Five Thousand only) along with two sureties, each for a like sum of Rs.25,000/- (Rupees Twenty



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Five Thousand only) to the satisfaction of the learned Judicial Magistrate II,
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Sivagangai, Sivagangai 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, Sivagangai, Sivagangai District, shall obtain a copy of any one of identity proofs to ensure their identity;

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

(iv) The petitioner shall make himself available for trial before the Court;

(V) 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;

(vi) The petitioner shall not leave India without the previous permission of the Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate II, Sivagangai, Sivagangai District;

(viii) The petitioner 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



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Magistrate II, Sivagangai, Sivagangai District, 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/-
04/04/2025

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/05/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG
TO
1. Judicial Magistrate II, Sivagangai, Sivagangai District.

2. THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI,
SIVAGANGAI DISTRICT.



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3.The Inspector of Police,
Madhagupatti Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.6202 of 2025
Date :04/04/2025

VN/05.05 .2025 7P/5C

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