



CRL OP(MD). No.6229 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6229 of 2025

1. Suresh Kumar

2. Muthuvel

... Petitioners/ Accused Nos.1 & 2

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No. 22 of 2025)

... Respondent/Complainant

For Petitioners : Mr.P.Samuel Gunasingh,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No. 22 of 2025 on the file of the respondent-
Police.



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ORDER: The Court made the following order :-

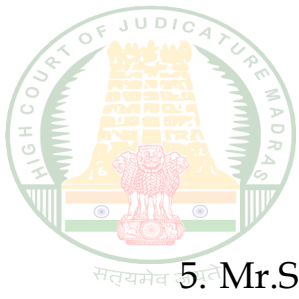
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This Criminal Original Petition has been filed by the petitioners on 02.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS and Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act in Crime No.22 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 12.02.2025, based on secret information, the respondent-Police were conducting an inspection near Thirumayam to Thirupathur NH-226 Road. During this inspection, they found that the petitioners were illegally excavating and transporting six units of gravel sand using a tipper-lorry bearing Registration No.TN-63-CZ-0277, which belonged to the second petitioner. Hence the case.

4. Mr.P.Samuel Gunasingh, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. He further submits that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant pre-arrest bail to the petitioners.



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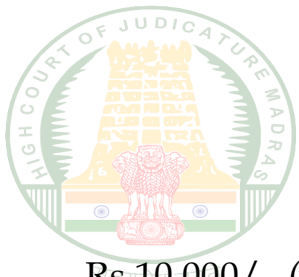
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5. Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there are no previous cases against the petitioners. He further submits that Accused No.1 is the driver and Accused No.2 is the owner of the vehicle. He further submits that the alleged sand and the vehicle have been seized by the respondent-Police. Hence, he vehemently opposes to grant pre-arrest bail to the petitioners.

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

7. Considering the facts and circumstances of the case, and the nature of the offence alleged against the petitioners and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and taking note of the fact that the alleged sand and the vehicle have been seized by the respondent-Police, and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant 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, Thirumayam, Pudukkottai 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.10,000/- (Rupees Ten Thousand only) each along with two sureties each for a like sum of



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Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned Judicial

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Magistrate, Thirumayam, Pudukkottai 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, Thirumayam, Pudukkottai District, 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 (i.e., on Monday and Friday) at 10.30 a.m., until further orders.

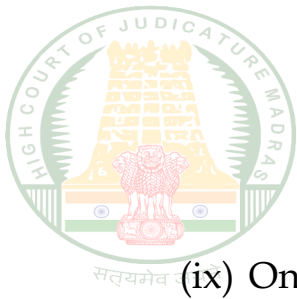
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(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, directly or indirectly cause threat to the defacto complainant and the witnesses and shall not tamper with the evidence.

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

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thirumayam, Pudukkottai District; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumayam, Pudukkottai 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.

tsg
TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, THIRUMAYAM POLICE STATION,
PUDUKKOTTAI DISTRICT.

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



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ORDER

IN

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Date :04/04/2025

NBF/SAR /30.04.2025 6P/5C

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