



CRL OP(MD). No.6218 of 2025

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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Balachandran

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Kottampatti Police Station (Crime),
Madurai District.
Crime No.69/2025

... Respondent/ Complainant

For Petitioner : Mr.N.Kumar,
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 Crime No.69/2025 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 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.1 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303 (1) of BNS r/w Section 21(5) of Mines and Minerals (Development and Regulation) Act in Crime No.69 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 25.03.2025 at about 03.00 p.m., on receiving a secret information, the respondent-Police were conducting an inspection near Savarapatti Village. At that time, the police found that Accused No.2 has illegally excavated and transported three units of red soil in a tipper lorry without any valid license or permission. The respondent-Police thereafter arrested Accused No.2 herein and seized the soil. Accused No.1 / petitioner herein is the owner of the said lorry. Hence, the case.

4. Mr.N.Kumar, 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



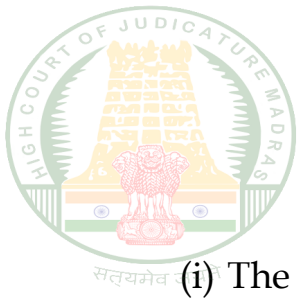
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imposed by this Court. He therefore prays for grant of pre-arrest bail to the
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petitioner.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner along with another accused person have illegally excavated and transported 3 units of red soil by using a tipper lorry without any valid license or permission. He further submits that the petitioner is the owner of the vehicle. He further submits that there is no previous case pending against the petitioner. However, he prays to dismiss this Criminal Original Petition.

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

7. Considering the quantity of red soil allegedly excavated and transported by the petitioner and the fact that the red soil and the vehicle have been seized, 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 red soil 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.



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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Melur, 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) 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, Melur;

(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, Melur, 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 weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders;

(iv) The petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.69 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Melur. In turn, the learned Judicial Magistrate shall deposit the said amount in an interest-bearing Fixed Deposit in any nationalized Bank initially for a period of one year and renew them periodically until the final order / judgment is passed in the case in Crime No.69 of 2025. The learned Judicial Magistrate/Trial Court shall pass orders qua entitlement of the said



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amount in its final order/judgment;

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(v) The petitioner shall make himself available for interrogation by a police officer as and when required;

(vi) 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;

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

1. The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Melur;

2.

(ix) The petitioner shall not, directly or indirectly, cause any threat to the witnesses and shall not tamper the evidence; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Melur, 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].



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8. Accordingly, this Criminal Original Petition is allowed subject to the conditions stated supra.

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

TSG
TO

- 1.THE JUDICIAL MAGISTRATE, MELUR.
- 2.THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3.THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.N.KUMAR Advocate SR.No.3992 (I) DT. 07/04/2025

ORDER IN
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Date :04/04/2025

PR/22.04.2025 6P/6C

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