



CRL OP(MD). No.6296 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6296 of 2025

Sankarganesh,
S/o, Chithiravel,
433, Elangai
Agathigal Mugam, Devekottai,
Sivagangai District.

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No 49/ 2025)

... Respondent/ Complainant

For Petitioner : Mr.Mahendrarajan B.,
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. 49 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 petitioner on 02.04.2025



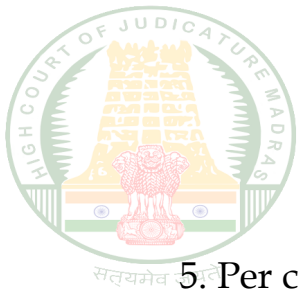
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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant
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an order of pre-arrest bail.

2. The petitioner / Accused No.2 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303 (2) of BNS r/w Sections 21(1) and 21(2) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.49 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 01.04.2025, based on a secret information, the respondent-Police were conducting an inspection near Thirumayam to Virasalai Pirivu. At that time, the police found that Accused No.1 has illegally excavated and transported three units of M-sand in an Ashok Leyland Tipper Lorry bearing Registration No.TN-65-Z-6050 without any valid license or permission. Accused No.2 / petitioner is the owner of the said lorry. The Police seized the same. Hence, the case.

4. Mr.B.Mahendrarajan, 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 therefore prays for grant of pre-arrest bail to the petitioner.



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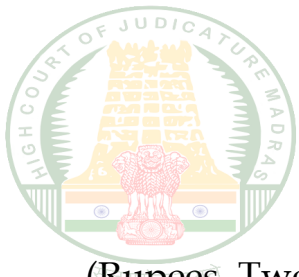
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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has excavated and transported three units of M-sand by using a vehicle without any valid license or permission. He further submits that there are no previous cases 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 M-sand allegedly excavated and transported by the petitioner and the fact that the M-sand 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, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Thirumayam, Pudukottai 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/-



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(Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial
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Magistrate, Thirumayam, Pudukottai 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, Pudukottai 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 weekly twice (i.e., on Monday and Friday) at 10.30 a.m., until further orders;

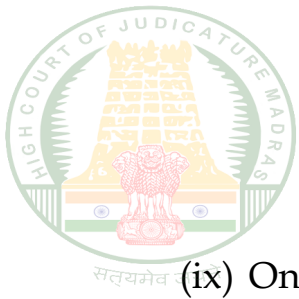
(iv) The petitioner shall make himself available for interrogation by a police officer as and when required;

(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, Thirumayam, Pudukottai District;

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



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirumayam, Pudukottai 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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/04/2025
Sub-Assistant Registrar (CS-I/II/III/IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM, PUDUKOTTAI.
2. THE CHIEF JUDICIAL MAGISTRATE, PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE, THIRUMAYAM POLICE STATION, PUDUKOTTAI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.6296 of 2025
Date :04/04/2025

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