



CRL OP(MD). No.6302 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

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1. Ayyanar

2. Ganesan

... Petitioners/ Accused
(rank not known)

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Palayanur Police Station,
Sivagangai District.
Crime No.31 of 2025

... Respondent/Complainant

For Petitioner : Mr.Madhava Govindan,
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.31 of 2025 on the file of the Respondent-Police.



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ORDER : The Court made the following order :-

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, 2023 and Sections 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act in Crime No.31 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 28.03.2025 at about 09.00 a.m., based on a complaint given by the Village Administrative Officer, the respondent-Police were conducting an inspection in the Veeranental village. During this inspection, they found that the petitioners were illegally excavating and transporting one unit of river sand using tractor bearing Registration No.TN-63-BH-3531 and one two-wheeler. On seeing the Police, the petitioners fled from the place. The respondent-Police seized the vehicles and sand. Hence the case.



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4. Mr.Madhava Govindan, 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.

5. Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that there are four previous cases pending against the first petitioner and they relate to IPC offence and there is no previous case against the second petitioner. He further submits that the first petitioner is the owner and the second petitioner is the driver 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



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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, Thirubuvanam, 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.20,000/- (Rupees Twenty Thousand only) each along with two sureties each for a like sum of Rs.20,000/- (Rupees Twenty Thousand only) to the satisfaction of the learned Judicial Magistrate, Thirubuvanam, 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, Thirubuvanam, Sivagangai 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 09.00 a.m., until further orders.



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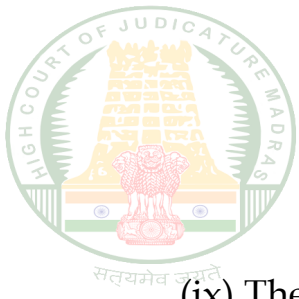
(iv) The petitioners shall make themselves available for interrogation by a police officer as and when required.

(v) The first petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.31 of 2025 on the file of the respondent-police, before the learned Judicial Magistrate, Thirubuvanam, Sivagangai District. 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.31 of 2025. The learned Judicial Magistrate/Trial Court shall pass orders *qua* entitlement of the said amount in its final order/judgment;

(vi) 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.

(vii) The petitioners shall not, directly or indirectly cause threat to the witnesses and shall not tamper with the evidence.

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



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(ix) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Thirubuvanam, Sivagangai District; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Thirubuvanam, Sivagangai 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
THIRUBUVANAM, SIVAGANGAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.



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- 3 THE INSPECTOR OF POLICE,
PALAYANUR POLICE STATION,
SIVAGANGAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6302 of 2025
Date :04/04/2025

SS/SAR- /23/04/2025/ 7P/5C

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