



CRL OP(MD). No.6396 of 2025

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

Date : 09/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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S.Prabakaran

... Petitioner / Accused No.1

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Allinagaram Police Station,
Theni.
Crime No.64/2025.

... Respondent/Complainant

For Petitioner : Mr.I. Romeo Roy Alfred
Advocate.

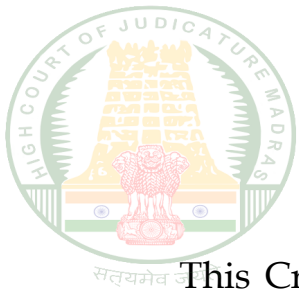
For Respondent : Mr.S.S. Manoj
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.64 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-



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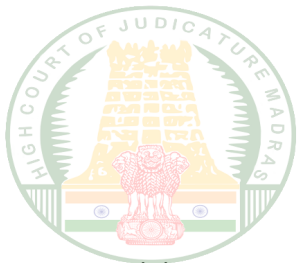
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This Criminal Original Petition has been filed by the petitioner on 03.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.1 apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) BNS, 2023 r/w. Sections 21(1) and 21(5) of Mines and Minerals (Development and Regulation) Act, in Crime No.64 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that when the defacto complainant was on patrolling duty, the petitioner herein and other accused have illegally excavating and transporting 3 units of rock stone by using a Lorry bearing Regn. No.TN 60 AK 7963. Hence, the case.

4. Mr.I. Romeo Roy Alfred, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and 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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5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner herein is the owner of the vehicle and there is no previous case pending against the petitioner. He further submits that the investigation of the case is still pending and, thereafter, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner and quantity of rock stone allegedly excavated and transported by the petitioner, this Court is of the view that custodial interrogation is not necessary in this case. 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 fact that both the vehicle and minerals were seized from the accused persons and taking note of the fact that there is no previous case pending against the petitioner, and with a



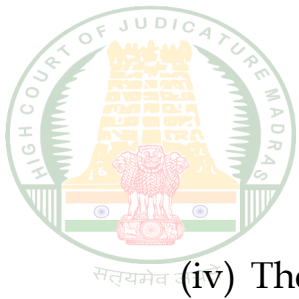
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view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(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, Theni within a period of 15 days from 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, Theni.

(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, Theni 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 10.00 am until further orders;



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

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Theni.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Theni, is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as laid



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down by the Hon'ble Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC
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283].

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

sd/-
09/04/2025

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

TTRP

TO

1. The Judicial Magistrate, Theni
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
Allinagaram Police Station,
Theni.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.I.ROMEO ROY ALFRED, Advocate (SR-4233[I] dated 15/04/2025)

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ORDER

IN

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Date :09/04/2025

VN/08.05 .2025 7P/6C

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