



CRL OP(MD). No.6434 of 2025

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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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Saravanan

... Petitioner/ Accused

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Illuppur Police Station,
Pudukottai District.
Crime No. 55/2025.

... Respondent/ Complainant

For Petitioner : Mr. B.Mahendrarajan
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. 55 of 2025 on the file of the Respondent - Police.

ORDER : The Court made the following order :-



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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, apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of BNS, 2023 r/w. Section 21 (1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.55 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 27.03.2025, on receiving a secret information, the defacto complainant, who is the Village Administrative Officer of Thirunallar Villages, Illupur (Taluk) conducted a vehicle check up near Sethurakku Kulam. At that time, they found that, the petitioner herein was illegally excavating and transporting 3 units of pond Sand by using a Tipper Lorry bearing Reg.No.TN 46 F 8037. On seeing the officials, the petitioner fled from the place leaving the vehicle. The vehicle along with pond sand has been seized. Hence, the case.

4. Mr.B.Mahendrarajan, the learned counsel for the petitioner, submits that the



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petitioner is an innocent person, that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He further 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.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are three previous cases pending against the petitioner, which are similar in nature. He further submits that the petitioner is a owner - cum - driver of the vehicle. He further submits that the investigation of the case is still pending, and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the defacto complainant and witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Heard on both sides and perused the records.

7. Considering the facts and circumstances of the case and also considering the fact that the respondent-Police already seized the vehicle and minerals, this Court is of the view that custodial interrogation of the petitioner is not necessary in



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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 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, Illuppur, 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) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the said Magistrate.

(ii) The petitioner shall pay a non – refundable amount of Rs.20,000/- (Rupees Twenty Thousand only) in favour of the District Green Committee, Pudukkottai, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Illuppur, Pudukkottai District at the time of executing the sureties.

(iii) 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



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Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of
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identity proofs to ensure their identity.

(iv) The petitioner shall appear and sign before the respondent – Police daily at 10.00 am until further orders.

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

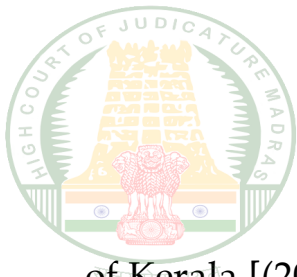
(vi) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vii) The petitioner shall not leave India without the prior permission of the Court.

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

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

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



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of Kerala [(2005) 13 SCC 283].

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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.

TRP

TO

1. The Judicial Magistrate, Illuppur,
Pudukkottai District
2. Do-Through The Chief Judicial Magistrate,
Pudukkottai District.
3. The Inspector of Police,
Illuppur Police Station,
Pudukkottai District.



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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.6434 of 2025
Date :09/04/2025

VN/08.05 .2025 7P/5C

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