



CRL.OP(MD). No.6473 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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1.Velladurai

2.Sekar

... Petitioners / Accused Nos.1 & 2

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Seevalaperi Police Station,
Tirunelveli District.
(Crime No.191 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioners in Crime No.191 of 2025 on the file of the respondent-police.

For Petitioners : Mr.T.Leninkumar,
Advocate

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 04.04.2025



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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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 Section 303(2) of the Bharatiya Nyaya Sanhita (BNS), 2023 , in Crime No.191 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 26.03.2025, the Special Sub-Inspector attached to the respondent police station, lodged a complaint against the petitioners. According to the complaint, on the same day, while the defacto complainant and his subordinates were on surveillance duty, they observed that the petitioners and the third accused (A3) were using an unregistered JCB vehicle to excavate approximately 3 units of "Kuruva soil" near the 1st petitioner's brickyard, situated on the northern side of Melamadaï Sudalaimalai Temple, Madathupatti Road. Upon noticing the police party, the petitioners fled from the place of occurrence, while A3 was apprehended by the defacto complainant. Based on the confession given by A3, the petitioners were subsequently implicated as accused in the case. It is further alleged that the petitioners are the joint owners of the said JCB vehicle. Hence, the case.

4. Mr.T.Leninkumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as



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alleged by the prosecution, and a false case has been foisted against the petitioners.

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He further submits that the petitioners have been implicated in this case only based on the confession statement given by A3. He, however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally three accused persons in this case and the petitioners have been arrayed as A1 and A2. He further submits that the accused persons illegally excavated and transported 3 units of *kuruva soil* from the government land. He further submits that there are no previous cases registered against the first petitioner. As regards the second petitioner, there are five previous cases, out of which three have been disposed of, and the remaining two are of a similar nature to the present case. He further submits that if pre-arrest bail is granted to the petitioners, they will commit similar type of offence and cause loss to wealth of the nation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the allegedly transported sand has already been seized by the respondent-police, the custodial interrogation of the petitioners is not



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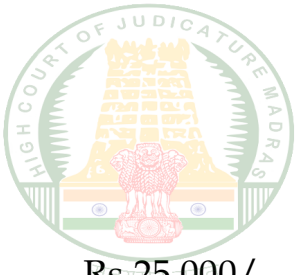
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necessary. Further, the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and the quantity of *sand* allegedly excavated and transported by the petitioners 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. Accordingly, pre-arrest bail is granted 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 No.III, Tirunelveli, 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) each along with two sureties each for a like sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate No.III, Tirunelveli.

(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 shall obtain a copy of any one of identity proofs to ensure their identity.

(iii) The second petitioner/A2 (Sekar) is directed to donate a sum of



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Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of the Green
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Committee, Tirunelveli District without prejudice to his rights and contentions
before the Trial Court. Only upon deposit, the learned Magistrate shall accept the
sureties.

(iv) The petitioners shall appear and sign before the respondent-police daily at
10.00 a.m. until further orders.

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

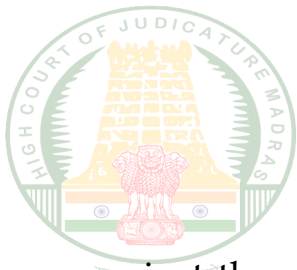
(vi) The petitioners shall not, directly or indirectly, make any inducement,
threat or promise to any person acquainted with the facts of the case so as to
dissuade him from disclosing such facts to the Court or to any police officer.

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

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

(ix) The petitioners shall furnish their residential address and mobile number
to the concerned Magistrate.

(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



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against the petitioners in accordance with law as if the aforementioned conditions
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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/-
28/04/2025

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

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To

- 1.The Judicial Magistrate No.III, Tirunelveli.
- 2.Do through The Chief Judicial Magistrate, Tirunelveli.
- 3.The Inspector of Police, Seevalaperi Police Station, Tirunelveli District.
- 4.The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LENIN KUMAR, Advocate (SR-5079[I] dated 29/04/2025)

ORDER IN
CRL OP(MD) No.6473 of 2025
Date :28/04/2025

PP/21.05.2025 6P/6C

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