



CRL OP(MD). No.6665 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6665 of 2025

R. Kottaisami,

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu Rep.,
By, The Inspector of Police,
Aviyoor Police Station,
Kariyapatti Taluk,
Virudhunagar District.
(Crime No.47 of 2025).

... Respondent/Complainant

For Petitioner : Mr. Marippan.G.,
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. 47 of 2025 on the file of the respondent-police...

<https://www.mhc.tn.gov.in/judis>



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ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 07.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 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) of BNS, 2023 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.47 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 03.04.2025, at about 21.00 hours, while the defacto complainant-Village Administrative Officer, Araskulam routine check-up, the petitioner had transported three units of 'gravel sand' by using tipper lorry bearing Registration No.TN 67 BF 4621 without any valid license or permission, following the instruction from the lorry owner A2. While the defacto complainant inspecting the site, the petitioner climber back into the lorry, dumped half of the gravel onto the ground and fled the scene. Thereafter, the defacto complainant handed over the sand along with the alleged vehicle to the respondent-Police.

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Hence, the case.

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4. Mr.G.Marippan, 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.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has transported three units of river sand by using tipper lorry bearing Registration No.TN 67 BF 4621 without any valid license or permission. He further submits that there is no previous case pending against the petitioner. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7.Considering that the allegedly illegally transported river sand through the above said vehicles have already been seized by the respondent police, the custodial



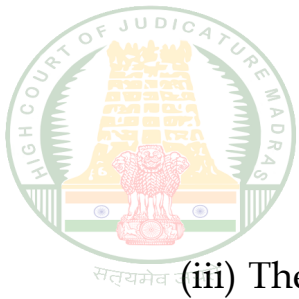
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interrogation of the petitioner not necessary. Further, the petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the quantity of river sand allegedly transported by the petitioner, 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 District Munsif Cum Judicial Magistrate, Kariyapatti, 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 District Munsif Cum Judicial Magistrate, Kariyapatti,;

(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 District Munsif Cum Judicial Magistrate, Kariyapatti, shall obtain a copy of any one of identity proofs to ensure their identity;



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(iii) The petitioner shall appear and sign before the respondent-Police daily 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 District Munsif Cum Judicial Magistrate, Kariyapatti,;

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

(ix) On breach of any of the aforementioned conditions, the learned District Munsif Cum Judicial Magistrate, Kariyapatti, 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



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Supreme Court in P.K. Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

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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.

vsg



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TO
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- 1.The learned District Munsif Cum
Judicial Magistrate,
Kariyapatti.
- 2 THE CHIEF JUDICIAL MAGISTRATE
KARIYAPATTI,
VIRUDHUNAGAR DISTRICT.
- 3.The Inspector of Police,
Aviyoor Police Station,
Kariyapatti Taluk,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.6665 of 2025
Date :09/04/2025

VN/05.05 .2025 7P/5C

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