



CRL OP(MD). No.6641 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6641 of 2025

1. Palaniyappan,

2. Prem Kumar,

... Petitioners/ Accused Nos.2 & 3

Vs

The State of Tamilnadu,
Rep By, The Inspector of Police,
Palaviduthi Police Station,
Karur District.

In Cr.No.45 of 2025..

... Respondent/ Complainant

For Petitioner : Mr.B.Santhanam Rajesh Kumar
Advocate.

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

For Intervener : Mr.D.S.Haroon Rasheed
Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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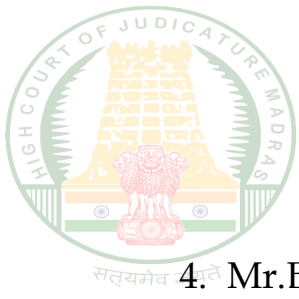
For Anticipatory Bail in Cr.No.45 of 2025 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 07.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/A2 & A3 apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.45 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 03.04.2025 at about 11.30 a.m., based on the information given by Idaiyapatti villagers, the defacto complainant / Village Administrative Officer of Idaiyapatti East Village and other Revenue officials were conducting a field visit and inspection at Idaiyapatti East Village, at that time, they found that A1 with the help of others excavated and transported 50 units of red sand along with the petitioners herein by using JCB and tractor bearing Registration Nos. TN 47 CY 7745 and TN 47 BW 0345 from the patta lands in S.Nos.693/2 and 2427 to another patta land in S.No.3391, for sale. Hence, the case.



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4. Mr.B.Santhanam Rajesh Kumar, the learned counsel for the petitioners, submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He, however, submits that the petitioners are ready to abide any conditions to be imposed by this Court. He further submits that the petitioners are owner of the JCB and tractor respectively. He therefore prays for grant 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 A1 has illegally excavated and transported 50 units of red sand by using petitioner's JCB vehicle. He further submits that there is no previous cases pending against the petitioners. Accordingly, he prays to dismiss this Criminal Original Petition.

6. Mr.D.S.Haroon Rasheed, learned counsel appearing for the intervener argues in the line of the learned Government Advocate (Criminal Side).

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

8. The petitioners have 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 the petitioners are owners of the vehicles and with a view to give one more opportunity to reform themselves, this Court is inclined to grant



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an order of pre-arrest bail to the petitioners subject to the following conditions.

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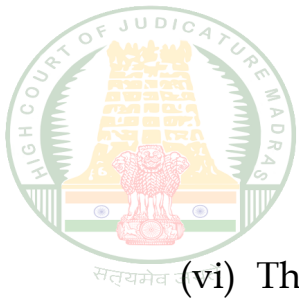
(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Kulithalai, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand 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 No.I, Kulithalai,;

(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 No.I, Kulithalai, 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 daily at 10.00 a.m. until further orders;

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

(v) 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 them from disclosing such facts to the Court or to any police officer;



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Court;

(vi) The petitioners shall not leave India without prior permission of the Court;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate No.I, Kulithalai,;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Kulithalai or Trial Judge, 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].

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

Sd/-

22/04/2025

// True Copy //

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



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TO
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- 1.The Judicial Magistrate No.I,
Kulithalai.
- 2.Do Through
The Chief Judicial Magistrate,
Karur.
- 3.The Inspector of Police,
Palaviduthi Police Station,
Karur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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KVL/26.05.2025 6P/5C

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