



CRL OP(MD). No.6847 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

The HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Kannan,

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.
(In Crime No.79/2025).

... Respondent/ Complainant

For Petitioner : M/s.M.Laxmi Mahendraa,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.79 of 2025 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 09.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioner/A2 apprehends arrest at the hands of the respondent-Police for the alleged offences punishable under Section 303 (2) of BNS, 2023 r/w Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.79 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that based on the complaint given by the Deputy Tahsildar of the Radhapuram Zone, the respondent-Police registered a case against the petitioner and others. In the FIR, it is alleged that on 05.02.2025 at about 04.00 P.m., when the defacto complainant-Deputy Tahsildar of the Radhapuram Zone along with revenue officials were patrolling to prevent the theft of sand near Atrankarai Pallivasal Tharka, Thiruvambalapuram Village, Radhapuram Taluk, Tirunelveli District, they intercepted the vehicle bearing Registration No.TN 72 DZ 8140 and found that the petitioner has illegally excavated and transported 1½ units of rock stone by using M-sand transit permit in tipper lorry. The Police seized the sand along with vehicle used. Hence, the case.

4. Mr.M.Laxmi Mahendraa, the learned counsel for the petitioner, submits that



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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 any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has transported 1½ units of rack stone by using tipper lorry bearing Registration No.TN 72 DZ 8140, 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 alleged illegally transported rack stone through the above said vehicles have already been seized by the respondent-police, this court is of the view that custodial 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 rock stone 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



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conditions.

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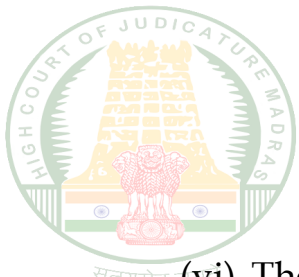
(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Radhapuram within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand 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, Radhapuram,;

(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, Radhapuram, 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 10.30 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 them from disclosing such facts to the Court or to any police officer;



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Court;

(vi) The petitioner shall not leave India without the prior permission of the

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Radhapuram,;

(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 Judicial Magistrate, Radhapuram, 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 of Kerala [(2005) 13 SCC 283].

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

sd/-
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/06/2025

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



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TO

- 1.THELEARNED JUDICIAL MAGISTRATE,
RADHAPURAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KODANKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6847 of 2025
Date :22/04/2025

PR/03.06 .2025 6P/5C

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