



CRL OP(MD). No.7988 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7988 of 2025

Rajesh

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
M.Kallupatti Police Station,
Madurai District.
Crime No.59 of 2020

... Respondent/ Complainant

For Petitioner : Mr.T.Palanisamy

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.59 of 2020 on the file of the respondent-police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 25.04.2025

<https://www.mhc.tn.gov.in/judis> under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS) praying to grant



CRL OP(MD). No.7988 of 2025

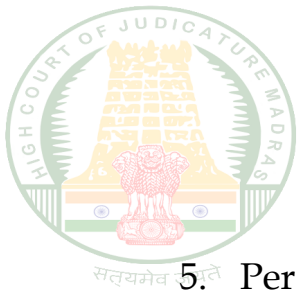
an order of pre-arrest bail.

WEB COPY

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 379 of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(5) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.59 of 2020 on the file of the respondent-police.

3. The case of the prosecution is that on 18.03.2020, at about 07.15 p.m., based on secret information, the respondent-Police was conducting an inspection near the Government Veterinary Hospital, M.Kallupatti. During this inspection, they found that the petitioner and other accused persons were illegally excavating and transporting one unit of river sand using a Tractor along with Trailer bearing Registration No.TN-25-K-6871. Hence the case.

4. Mr.T.Palanisamy, learned counsel appearing for the petitioner fairly submits that this is second pre-arrest bail petition and there are no changes in circumstances. He further submits that a false case has been foisted against the petitioner and that the petitioner did not commit any offence as alleged by the prosecution. He however submits that the petitioner is ready to abide any conditions imposed by this Court. He further submits that the petitioner is willing to deposit some amount to the Green Committee, Madurai District. Hence, he prays for grant of pre-arrest bail to the petitioner.



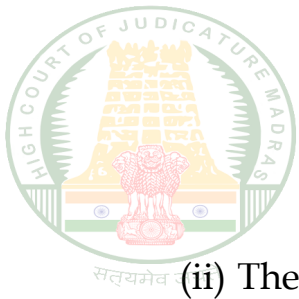
CRL OP(MD). No.7988 of 2025

5. Per contra, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the investigation is yet to be completed. He further submits that the petitioner has seven previous cases, out of which, two are similar in nature and prays to dismiss this Criminal Original Petition.

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

7. The alleged occurrence took place in the year 2020. Till date, the respondent-Police did not take any steps to arrest the petitioner. Further, till date, the respondent-Police has not filed charge sheet also. Considering the cumulative circumstances and also considering the voluntary submission made by the learned counsel for the petitioner and with a view to give an 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.II, Usilampatti, within a period of 30 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 learned Judicial Magistrate No.II, Usilampatti;



CRL OP(MD). No.7988 of 2025

WEB COPY

(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;

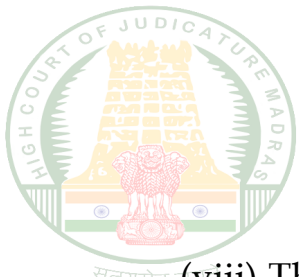
(iii) The petitioner shall make himself available for interrogation by a police officer as and when required;

(iv) 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;

(v) The petitioner shall not leave India without the previous permission of the Court;

(vi) The petitioner shall appear and sign before the respondent-Police weekly once i.e., on every Sunday at 10.00 a.m. until further orders;

(vii) The petitioner shall make a non-refundable payment of a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the District Green Committee, Madurai District, within a period of 30 days from the date on which the order copy is made ready, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate No.II, Usilampatti;



CRL OP(MD). No.7988 of 2025

WEB COPY

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Usilampatti;

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

(x) On breach of any of the aforementioned conditions, concerned Magistrate, or Trial Judge 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 them 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/-

29/04/2025

// True Copy //

/ /2025

Sub Assistant Registrar
(CS - I/II/III/IV)

Madurai Bench of Madras High Court,
Madurai

mbi

TO

1.The Judicial Magistrate No.II,
Usilampatti.

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



CRL OP(MD). No.7988 of 2025

2.Do Through
The Chief Judicial Magistrate,
Madurai.

3.The Inspector of Police,
M.Kallupatti Police Station,
Madurai District.

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

+1 CC to M/s.T.PALANISAMY, Advocate (SR-5018[I] dated 29/04/2025)

CRL OP(MD) No.7988 of 2025

Date : 29.04.2025

BV(26/05/2025) 6P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.