



CRL OP(MD). No.6970 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.6970 of 2025

Rajkumar

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,,
Rep. by the Inspector of Police,
Chatrakudi Police Station,
Chatrakudi,
Ramanathapuram District.
(Crime No. 48 of 2025).

... Respondent/Complainant

For Petitioner : Mr. K Anandraj
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.48 of 2025 on the file of the respondent Police.



CRL OP(MD). No.6970 of 2025

ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 15.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused No.I apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.48 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 04.04.2025, when the defacto complainant and the respondent-Police were conducted a regular check up, the petitioner illegally excavating and transporting one unit of river sand by using a Tipper Lorry bearing Regn.No.TN 65 AK 6699 belongs to A2. On seeing the defacto complainant, petitioner fled from the scene and abandoned the vehicle with minerals. Hence, the case.

4. Mr.K.Anandraj, the learned counsel for the petitioner, submits that the



CRL OP(MD). No.6970 of 2025

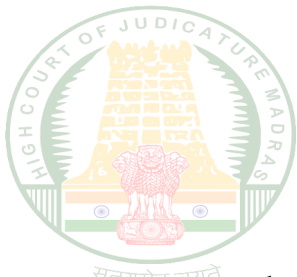
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petitioner is an innocent person, and he has not committed any offence as alleged by the prosecution, and he has been falsely implicated in this case. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that the petitioner herein is the driver of the vehicle and there is one previous case pending against the petitioner. He further submits that the investigation of the case is still pending and, thereafter, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence alleged against the petitioner and quantity of river sand allegedly excavated and transported by the petitioner and also considering the fact that vehicle along with minerals were seized by respondent – police, the custodial interrogation of the petitioner is not necessary in this case. Further, the



CRL OP(MD). No.6970 of 2025

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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 facts and circumstances of the case, and taking note of the fact that the petitioner is a driver of the vehicle and with a view to give one more opportunity 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 Judicial Magistrate, Paramakudi, 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, Paramakudi.

(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, Paramakudi 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



CRL OP(MD). No.6970 of 2025

at 10.00 am until further orders.

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

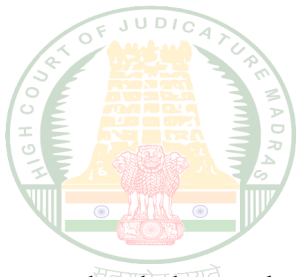
(v) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer.

(vi) The petitioner shall not leave India without the previous permission of the Court.

(vii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Paramakudi.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Paramakudi is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him as



CRL OP(MD). No.6970 of 2025

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/-

17/04/2025

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/05/2025

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

TRP

TO

1. The Judicial Magistrate, Paramakudi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Chatrakudi Police Station,
Chatrakudi,
Ramanathapuram District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



CRL OP(MD). No.6970 of 2025

WEB COPY +1. CC to K ANANDRAJ Advocate SR.No.4392 dt 17.04.2025

ORDER
IN
CRL OP(MD) No.6970 of 2025
Date :17/04/2025

RK(15/05/2025) 7P / 6C

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