



CRL.OP(MD). No.7048 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **21.04.2025**

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

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Muniswaran @ Muneeswaran

... Petitioner / Accused No.5

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Kulathur Police Station,
Thoothukudi District.
(Crime No.164 of 2025)

... Respondent / Complainant

PRAYER :- The Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita (BNSS), 2023 praying to grant pre-arrest bail to the
petitioner in Crime No.164 of 2025 on the file of the respondent police.

For Petitioner : Mr.S.Vishnuvardhan,
Advocate
For Respondent : Mr.S.S.Manoj,
Government Advocate
(Criminal Side)

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 16.04.2025
under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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to grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS, 2023 read with 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.164 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant is the Village Administrative Officer. On 09.04.2025, he lodged a complaint before the respondent-police stating that he had conducted a spot inspection in the land situated in Survey No.1029 of Vaipar Village, where he found evidence of illegal mining of beach sand. Upon further enquiry, he came to know that the first accused had unlawfully transported eight units of beach sand to his salt pan with the assistance of the other accused persons. Hence, he lodged the present complaint before the respondent-police.

4. Mr.S.Vishnuvardhan, 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. He further submits that the petitioner is the owner of the vehicle. He however submits that the petitioner is ready to abide by any conditions to be imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally five accused persons in this case and the petitioner has been arrayed as A5. He further submits that the accused persons were illegally excavating and transporting 8 units of *beach sand*. He further submits that there are no previous cases against the petitioner. He further submits that the investigation of the case is still pending and therefore, at this stage, if the pre-arrest bail is granted to the petitioner, he will commit similar type of offence and cause loss to wealth of the nation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts that the petitioner has no bad antecedents and further considering the nature of the offence, the quantity of *beach sand* allegedly excavated and transported by the accused persons and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant pre-arrest bail to the petitioner. Accordingly, pre-arrest bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall be released on pre-arrest bail in the event of his arrest



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or in the event of his surrender before the learned District Munsif cum Judicial
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Magistrate, Vilathikulam, within a period of 15 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 District Munsif cum
Judicial Magistrate, Vilathikulam.

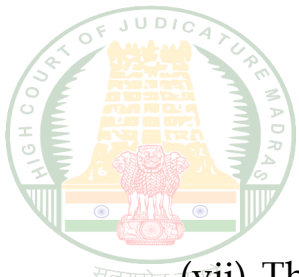
(ii) The sureties shall affix their photographs and left thumb impression in the
Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of
Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one of
identity proofs to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent-police weekly
twice i.e., on every Monday and Friday at 10.00 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 also not, directly or indirectly, cause any threat to the
defacto complainant and witnesses and shall not tamper the evidence.



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the Court.

(vii) The petitioner shall not leave India without the previous permission of

(viii) The petitioner shall furnish his residential address and mobile number to the concerned Magistrate.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate 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/-
21/04/2025

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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

pal
To

1.The District Munsif cum Judicial Magistrate, Vilathikulam.

2.Do through the Chief Judicial Magistrate,Thoothukudi.



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3.The Inspector of Police, Kulathur Police Station, Thoothukudi District.

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

ORDER
IN

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Date :21/04/2025

PP/27.05.2025 6P/5C

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