



CRL.OP(MD). No.7039 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2025

PRESENT

THE HON'BLE MR.JUSTICE R.SAKTHIVEL

CRL.OP(MD). No.7039 of 2025

1.Babu @ Venkatachalam

2.Subramani @ Subramaniyan

... Petitioners / Accused Nos.2 & 3

Vs.

The State of Tamil Nadu rep by
The Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No.141 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
petitioners in Crime No.141 of 2025 on the file of the respondent-police.

For Petitioners : Mr.V.Nirmalkumar,
Advocate

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



CRL.OP(MD). No.7039 of 2025

ORDER : The Court made the following order :-

WEB COPY

This Criminal Original Petition has been filed by the petitioners on 16.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners apprehend arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS, 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.141 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that the defacto complainant, who is employed as a Village Administrative Officer for R.T. Malai and Pulutheri Village in Kulithalai Taluk, Karur District, filed a complaint before the respondent police. According to the complaint, the petitioners, along with other accused, were illegally quarrying sand in Survey No. 50/3D, covering an area of 1.90.5 acres in Patta No.2290. The land in question is under the possession of Surendran @ Rengasamy, who is the 4th accused in the case.

4. Mr.V.Nirmalkumar, the learned counsel for the petitioners, submits that the



CRL.OP(MD). No.7039 of 2025

petitioners are innocent persons, and they have not committed any offence as
WEB COPY
alleged by the prosecution, and a false case has been foisted against the petitioners.
He, however, submits that the petitioners are 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 petitioners.

5. Per contra, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the accused persons had illegally excavated and transported sand without any permission. He further submits that the petitioners have been arrayed as Accused Nos.2 & 3. He further submits that there are no previous cases against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they 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. Considering the fact that the allegedly transported sand has already been seized by the respondent-police, the custodial interrogation of the petitioners is not



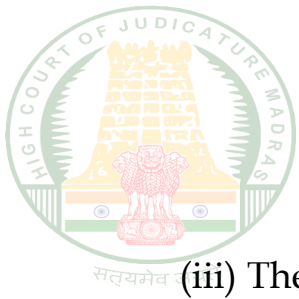
CRL.OP(MD). No.7039 of 2025

WEB COPY

necessary. Further, the petitioners have permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of the offence alleged against the petitioners and the quantity of sand allegedly excavated and transported by the petitioners and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:

(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate No.I, Kulithalai, Karur, 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) each 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, Karur.

(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.



CRL.OP(MD). No.7039 of 2025

WEB COPY

(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 him from disclosing such facts to the Court or to any police officer.

(vi) The petitioners shall also not, directly or indirectly, cause any threat to the defacto complainant and witnesses and shall not tamper the evidence.

(vii) The petitioners shall not leave India without the previous permission of the Court.

(viii) The petitioners shall furnish their 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 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].



CRL.OP(MD). No.7039 of 2025

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

sd/-
21/04/2025

/ TRUE COPY /

/05/2025

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

pal

To

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



CRL.OP(MD). No.7039 of 2025

+1 CC to M/s.V.NIRMAL KUMAR, Advocate (SR-4481[I] dated 22/04/2025)

WEB COPY

ORDER

IN

CRL OP(MD) No.7039 of 2025

Date :21/04/2025

VN/09.05 .2025 7P/6C

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