

CRL.OP(MD). No.7097 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

CRL.OP(MD). No.7097 of 2025

Syed Babu

... Petitioner / Accused
Rank Not Known

Vs.

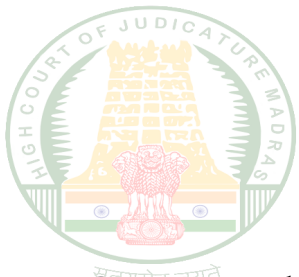
The State of Tamil Nadu rep by
The Inspector of Police,
Vallam Police Station,
Thanjavur District.
(Crime No.40 of 2025)

... 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.40 of 2025 on the file of the respondent police.

For Petitioner : Mr.K.M.Karunakaran,
Advocate

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



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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 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 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.40 of 2025 on the file of the respondent-police.

3. The defacto complainant, who is the Assistant Director of the Mines Department, preferred a complaint before the respondent-police. He alleged that on 29.01.2025 at about 19:15 hours, based on secret information received, the respondent-police conducted a raid at Vallam Rig Road. At that time, the accused persons were involved in the theft of M-sand using a Bolero vehicle, without possessing any proper or valid licence. Consequently, the defacto complainant seized the said vehicle along with 3/4 unit of M-sand and produced the same before the respondent-police. Based on the said complaint, the respondent police registered a case in Crime No.40 of 2025.



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4. Mr.K.M.Karunakaran, 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.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that there are totally two accused persons in this case and the petitioner has been arrayed as A2. He further submits that the accused persons were illegally transporting M-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.

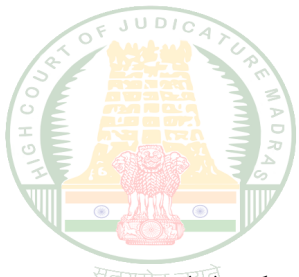


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7. Considering the fact that the vehicle along with allegedly transported M-sand has already been seized by the respondent-police, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Further, the petitioner has permanent residence and deep roots in the society. Hence, there is less possibility of absconding. Considering the same and also considering the facts and circumstances of the case, the nature of the offence, the quantity of M-sand allegedly 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 or in the event of his surrender before the learned Judicial Magistrate No.II, Thanjavur, 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 Judicial Magistrate No.II, Thanjavur.



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(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 daily 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.

(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*.

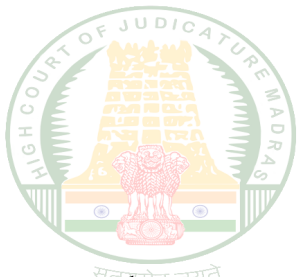
Sd/-

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.



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To

1.The Judicial Magistrate No.II, Thanjavur,

2 Do through the Chief Judicial Magistrate,
Thanjavur @ Kumbakonam.

3.The Inspector of Police,
Vallam Police Station,
Thanjavur District.

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

+1. CC to M/S. KARUNAKARAN.K.M. Advocate SR.No.4506 dt 22.04.2025

ORDER

IN

CRL OP(MD) No.7097 of 2025

Date :21/04/2025

RK(13/05/2025) 7P / 6C

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