



CRL OP(MD). No.7217 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP(MD). No.7217 of 2025

1. K Rajeswari,
2. Arun Kumar,
3. Murugan,

... Petitioners/ Accused No.1 to 3

Vs

The State of Tamilnadu,
Rep by the Inspector of Police,
Nathampatti Police Station,
Nathampatti,
Virudhunagar District.
Crime No.60 of 2025.

... Respondent/ Complainant

For Petitioner : Mr.N.Karthick,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.60 of 2025 on the file of the respondent-Police.



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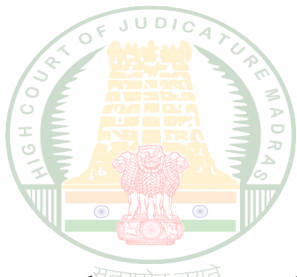
ORDER : The Court made the following order :-
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This Criminal Original Petition has been filed by the petitioner on 17.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioners/ A1 to A3 apprehend arrest at the hands of the respondent-Police for the alleged offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.60 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 09.04.2025 at about 04.00 p.m., when the defacto complainant-Revenue Divisional Officer, Vathirairuppu, and other revenue officials were patrolling to prevent the theft of sand from Karaneri to Virudhunagar Main road, they found that the petitioners have illegally excavated and transported 3 units of gravel sand by using tipper lorry bearing Registration No.TN 74 AU 6188 without any valid license or permission. Though the petitioners produced mining licence, the said license is valid only for excavation and transportation of rough stone not for that of sand. Hence, the case.

4. Mr.N.Karthick, the learned counsel for the petitioners, submits that the petitioners are innocent persons, and they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He,



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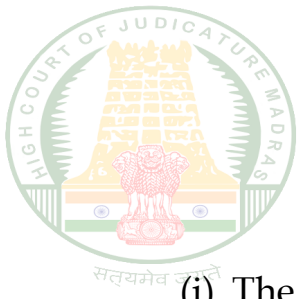
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however, submits that the petitioners are ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioners have illegally excavated and transported 3 units of gravel sand by using tipper lorry without any valid license or permission. He further submits that there is no previous case pending against the petitioners. He further submits that if pre-arrest bail is granted to the petitioners, they may commit the similar offences again. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. The petitioners have permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the same, and also considering the quantity of river sand allegedly excavated and transported by the petitioners and the fact that the sand and the alleged tipper lorry have been seized by the respondent-Police, and the fact that the petitioners are the first offenders and with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioners subject to the following conditions.



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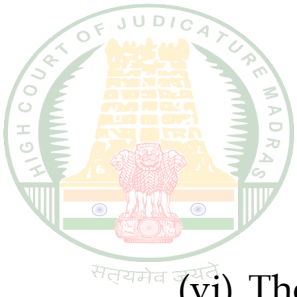
(i) The petitioners shall be released on pre-arrest bail in the event of their arrest or in the event of their surrender before the learned District Munsif Cum Judicial Magistrate Court, Vathirayiruppu, within a period of 15 days from the date on which the order copy is made ready, on executing a bond 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 District Munsif Cum Judicial Magistrate Court, Vathirayiruppu,;

(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 District Munsif Cum Judicial Magistrate Court, Vathirayiruppu, shall obtain a copy of any one of identity proofs to ensure their identity;

(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 them from disclosing such facts to the Court or to any police officer;



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(vi) The petitioners shall not leave India without the previous permission of the Court;

(vii) The petitioners shall furnish his residential address and mobile number to the learned Judicial Magistrate, Vathirayiruppu;

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

(ix) On breach of any of the aforementioned conditions, the learned District Munsif Cum Judicial Magistrate Court, Vathirayiruppu or the 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 it 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/-

22/04/2025

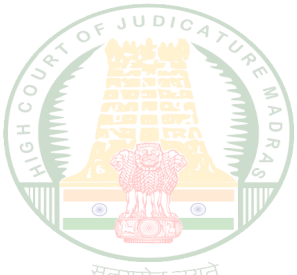
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/08/2024

Sub-Assistant Registrar

(C.S.I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai - 625 023.



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vsg
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TO

- 1.The learned District Munsif Cum
Judicial Magistrate Court, Vathirayiruppu.
- 2.Do Through
The Chief Judicial Magistrate,
Virudhunagar.
- 3.The Inspector of Police,
Nathampatti Police Station,
Nathampatti,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN

CRL OP(MD) No.7217 of 2025
Date :22/04/2025

BV(27/05/2025) 6P/ 5C

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