

CRL OP(MD). No.7219 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.7219 of 2025

Sathish @ Sathiskumar,

... Petitioner/ Accused No.1

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Thiruvonam Police Station,
Thanjavur District.
(In Crime No.78 of 2025).

... Respondent/Complainant

For Petitioner : Mr.K.M.Karunakaran,
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.78 of 2025 on the file of the Respondent-Police.

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioner on 17.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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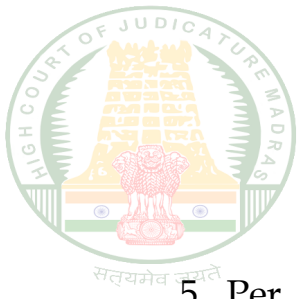
grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.25 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that based on secret information, on 11.04.2025, at about 10.30 hours, the respondent-Police conducted search near Muthumariyammal Kovil, Melavurani. At that time, they intercepted the TATA 407 van bearing Registration No.TN 74 AC 8083 and found that the accused persons were excavating and transporting 2 units of river sand. The petitioner fled from the place. A2 was arrested. Based on his confession, the petitioner has been arrayed as A1.

4. Mr.K.M.Karunakaran, learned counsel appearing for the petitioner submits that the petitioner did not commit 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 any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.



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5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner along with other accused persons illegally excavated and transported river sand. He further submits that the petitioner has three previous cases of similar in nature and therefore, if pre-arrest bail is granted to the petitioner, he will commit similar offences. Therefore, he prays to dismiss this Criminal Original Petition.

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

7. It is stated that the petitioner has three previous cases of similar to the present crime. Therefore, it appears that the petitioner is a habitual offender. Hence, this Court is of the opinion that if pre-arrest bail is granted to the petitioner, he will be emboldened to commit the similar offence and thereby cause damage to environment and loss to the Nation's wealth. Therefore, this Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, this Criminal Original Petition is dismissed.

sd/-

22/04/2025

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/05/2025

Sub-Assistant Registrar (C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

VSG

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1 THE INSPECTOR OF POLICE,
THIRUVONAM POLICE STATION,
THANJAVUR DISTRICT.

2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7219 of 2025
Date :22/04/2025

SS/SAR- /26/05/2025/ 4P/3C

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