



CRL OP(MD). No.7224 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.7224 of 2025

Balusamy,

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Vangal Police Station,
Karur District.
(Crime No.348 of 2024).

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
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.348 of 2024 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 the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying



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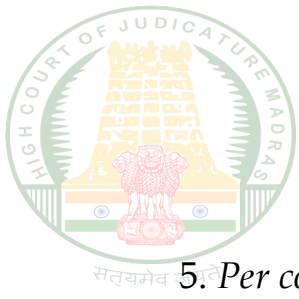
to grant an order of pre-arrest bail.

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2. The petitioner/ A2 apprehends arrest at the hands of the respondent-Police for the offences punishable under Section 303(1) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.348 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 10.04.2024, when the respondent-police were patrolling to prevent the theft of sand near Puthupalayam, the respondent-Police found that the petitioner and others have illegally excavated and transported 3 units of river sand by using bullock cart without any valid license or permission and stored them in a patta land for sale, which belonged to Pudupalayam Palaniappan. On seeing the Police, the petitioner and other accused fled from the place leaving the bullock cart containing sand on the spot. Hence, the case.

4. Mr.T.Lenin Kumar, 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, and he has been falsely implicated in this case. He, however, submits that the petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.



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5. *Per contra*, Mr.K.Sanjai Gandhi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the petitioner has illegally excavated and transported 3 units of river sand by using bullock cart without any valid license or permission. He further submits that the petitioner has four previous case, out of which, one previous case is similar in nature and the other three cases are registered under the Tamil Nadu Prohibition Act, 1937. He further submits that if pre-arrest bail is granted to the petitioner, he may commit the similar offence again. 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 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 petitioner and the fact that the sand and the alleged bullock carts have been seized by the respondent-Police and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail 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, Karur, within a period of 15 days from the date on which the order copy is made ready, on



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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, 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 No.II, Karur, 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;

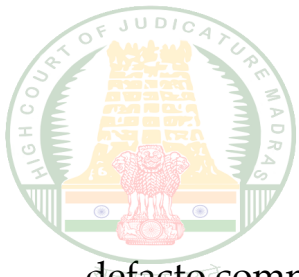
(iv) The petitioner shall make himself available for interrogation by police as and when required;

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

(vi) The petitioner shall not leave India without the prior permission of the Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Karur,;

(viii) The petitioner shall not, directly or indirectly, cause any threat to the



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defacto complainant and witnesses and shall not tamper the evidence; and

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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.II, Karur, 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 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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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

vsg
TO

- 1.The learned Judicial Magistrate No.II, Karur.
 - 2.Do through the Chief Judicial Magistrate,Karur.
 - 3.The Inspector of Police,Vangal Police Station,Karur District.
 - 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.T.LENIN KUMAR, Advocate (SR-4589[I] dated 23/04/2025)



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ORDER IN
CRL OP(MD) No.7224 of 2025
Date :22/04/2025

PP/28.05.2025 6P/6C

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