



CRL OP(MD). No.7351 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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1. Jeyabalan

2. Selva

... Petitioners/ Accused Nos.1 & 2

Vs

State of Tamilnadu,
Rep By,
The Inspector of Police,
Nagudi Police Station,
Nagudi,
Pudukottai District.
Cr.No.64 of 2025

... Respondent/ Complainant

For Petitioner : Mr.Shanmugasundaram.S,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023



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PRAYER :-

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For Anticipatory Bail in Cr.No.64 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 petitioners on 21.04.2025 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 r/w Sections 21(1) and 21(2) of the Mines and Minerals (Development and Regulation) Act in Crime No.64 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 16.04.2025 at about 08.00 a.m., based on secret information, the respondent-Police were conducting an inspection at the alleged spot. During this inspection, they found that the petitioners were illegally excavating and transporting one unit of river sand in a vehicle. On seeing the Police, the petitioners fled from the place. The respondent-Police seized the vehicle and sand. Hence the case.

4. Mr.S.Shanmugasundaram, learned counsel appearing for the petitioners, submits that the petitioners have nothing to do with the alleged offence. He further submits that a false case has been foisted against the petitioners. He further submits



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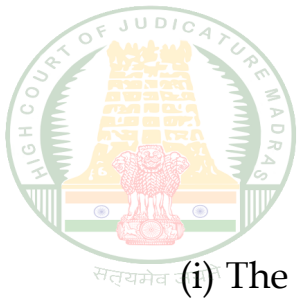
that the petitioners are ready to abide by any conditions that may be imposed by this Court. Hence, he prays to grant pre-arrest bail to the petitioners.

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5. Mr.S.S.Manoj, learned Government Advocate (Criminal Side) appearing for the respondent-Police, submits that the first petitioner is the driver and the second petitioner is the owner of the vehicle. He further submits that the petitioners have illegally transported one unit of river sand in the second petitioner's vehicle. He further submits that there is no previous case pending against the petitioners. He further submits that the alleged sand and the vehicle have been seized by the respondent-Police. Hence, he vehemently opposes to grant pre-arrest bail to the petitioners.

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

7. Considering the facts and circumstances of the case, and the nature of the offence alleged against the petitioners, and also considering the fact that the petitioners have permanent residence and deep roots in the society and therefore, there is less possibility of absconding, and taking note of the fact that the alleged sand and the vehicle have been seized by the respondent-Police, 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 subject to the following conditions:



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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Aranthangi, 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, Aranthangi;

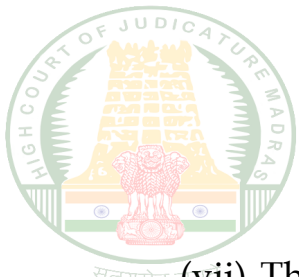
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Aranthangi, shall obtain a copy of any one of identity proofs to ensure their identity;

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

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



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the Court.

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

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Aranthangi; and

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Aranthangi 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]*.

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

Sd/-

23/04/2025

// True Copy //

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

TSG



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TO मेव जयते

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1.The Judicial Magistrate, Aranthangi.

2.Do Through
The Chief Judicial Magistrate,
Pudukottai.

3.The Inspector of Police,
Nagudi Police Station,
Nagudi,
Pudukottai District.

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

+1 CC to M/s.S.SHANMUGASUNDARAM, Advocate (SR-4722[I] dated 24/04/2025)

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