



CRL OP(MD). No.7368 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

CRL OP(MD). No.7368 of 2025

1. K Ramesh

2. M Thivakaran

... Petitioners/ Accused No.3 and Rank not known

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.
Cr.No.52 of 2025

... Respondent/Complainant

For Petitioners : Mr.A.C.Asaithambi,
Advocate

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

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



CRL OP(MD). No.7368 of 2025

PRAYER :-

WEB COPY

For Anticipatory bail in Cr.No.52 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 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 apprehend arrest at the hands of the respondent-Police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w. Section 21(1) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.52 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 15.03.2025 at about 05.00 a.m., based on a complaint given by the Village Administrative Officer of Velaneri group, the respondent-police has registered a case. The case of the prosecution is that on 15.03.2025, at about 05.00 a.m., the defacto complainant and his subordinates were in surveillance to prevent the theft of sand near Madha Kovil, Mullikudi Village. At that time, the defacto complainant intercepted the vehicle bearing Registration No.TN-30-bx-7020 and JCB bearing Registration No.TN-63-AC-0653 and found that accused persons without any valid license or permission illegally excavated and



CRL OP(MD). No.7368 of 2025

WEB COPY

transported river sand from *Kiruthammal River*. The defacto complainant seized the vehicle with minerals and handed over to the respondent-Police. Hence, this case.

4. Mr.A.C.Asaithambi, 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, however, submits that the petitioners are ready to abide any conditions to be imposed by this Court. He further submits that to prove their bona fide, the petitioners are ready to deposit some amount to the 'Green Committee', Virudhunagar District. Therefore, the learned counsel prays for an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.S.S.Manoj, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that the second petitioner has not been arrayed as an accused in this case. He further submits that the first petitioner has illegally excavated and transported five units of river sand by using a Bharat Benz lorry bearing Registration No.TN-30-bx-7020 and JCB bearing Registration No.TN-63-AC-0653 without any valid license or permission. He further submits that there is no previous cases pending against the first petitioner. Accordingly, he prays to dismiss this Criminal Original Petition.

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



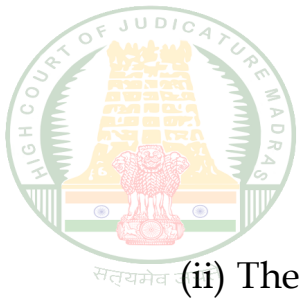
CRL OP(MD). No.7368 of 2025

WEB COPY

7. Since the second petitioner has not been arrayed as an accused in this case, this Criminal Original Petition stands dismissed insofar as the second petitioner is concerned.

8. As far as the first petitioner is concerned, the first 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 first petitioner, and considering the undertaking given by the first petitioner that he is willing to deposit some amount to the Green Committee, Virudhunagar District and with a view to give one more opportunity to reform himself, this Court is inclined to grant an order of pre-arrest bail to the first petitioner subject to the following conditions.

(i) The first petitioner shall be released on bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate, Thiruchuli, Virudhunagar District, within a period of 15 days from date on which the order copy is made ready, on executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) along with two sureties, each for a like sum of Rs.25000/- (Rupees Twenty Five Thousand only) to the satisfaction of the learned Judicial Magistrate, Thiruchuli, Virudhunagar District;



CRL OP(MD). No.7368 of 2025

WEB COPY

(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, Thiruchuli, Virudhunagar District, shall obtain a copy of any one of identity proofs to ensure their identity;

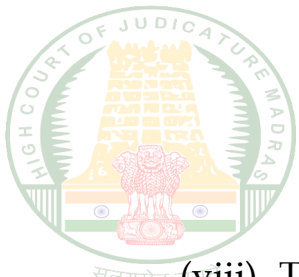
(iii) The first petitioner shall appear and sign before the respondent-Police daily at 10.00 a.m. until further orders;

(iv) The first petitioner shall pay a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) in favour of the District Green Committee, Virudhunagar District, without prejudice to his rights and contentions before the trial Court and produce the receipt / acknowledgment before the learned Judicial Magistrate, Thiruchuli, Virudhunagar District.

(v) The first petitioner shall make himself available for interrogation by a police officer as and when required;

(vi) The first 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;

(vii) The first petitioner shall not leave India without the previous permission of the Court;



CRL OP(MD). No.7368 of 2025

WEB COPY

(viii) The first petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Thiruchuli, Virudhunagar District;

(ix) The first petitioner shall not, directly or indirectly, cause any threat to the witnesses and shall not tamper the evidence; and

(x) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Tiruchuli, Virudhunagar District or Trial Judge, as the case may be, is entitled to pass appropriate orders against the first petitioner in accordance with law as if the aforementioned conditions are imposed by them as laid down by the Hon'ble Supreme Court in *P.K. Shaji vs. State of Kerala* [(2005) 13 SCC 283].

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

Sd/-

23/04/2025

// True Copy //

/2025

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

TSG



CRL OP(MD). No.7368 of 2025

TO
WEB COPY

1.The Judicial Magistrate, Thiruchuli,
Virudhunagar District.

2.Do Through
The Chief Judicial Magistrate,
Virudhunagar.

3.The Inspector of Police,
Narikudi Police Station,
Virudhunagar District.

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

+1 CC to M/s.A.C.ASAITHAMBI, Advocate (SR-4661[I] dated 24/04/2025)

CRL OP(MD) No.7368 of 2025

Date : 23/04/2025

KVL/26.05.2025 7P/6C

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