



CRL OP(MD). No.7373 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 25/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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Premnath

... Petitioner/ Accused
rank not known

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Aravakurichi Police Station,
Karur District.
(In Crime No.85 of 2025).

... Respondent/ Complainant

For Petitioner : Mr.T.M. Madasamy
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.85 of 2025 on the file of the Respondent Police.



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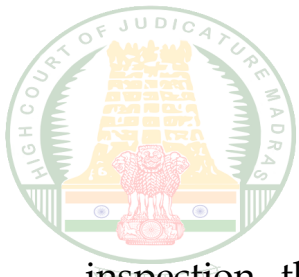
ORDER: The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 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 petitioner / Accused rank not known apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.85 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that, on 25.03.2025, at about 22:00 hours, based on a complaint given by the Assistant Director, Flying Force, Geology and Mining, Trichy Zone, Trichy, and the Assistant Geologist, the respondent-police registered a case against the petitioner and others. In the complaint, it has been stated that while the aforesaid officials were conducting vehicle check-up near Thirumanikkampatti Village, Aravakurichi Taluk, they found that the petitioner and other accused were illegally transporting six units of gravel sand in a Taurus Lorry bearing Registration No.TN-47-AH-9132, without any valid license or permission. The value of the gravel sand and permit is Rs.3,888/-. During the



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inspection, the driver of the lorry escaped from the spot. The officials seized the vehicle along with the gravel sand and handed it over to the respondent-police. Hence, the case.

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4. Mr.T.M.Madasamy, 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 due to prior enmity between petitioner and defacto complainant regarding issuance of permit. The petitioner has been falsely implicated in this case. Further, petitioner is not an owner of vehicle. 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.

5. Per contra, Mr.K.Sanjai Gandhi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there are four previous cases pending against the petitioner, out of which, one case is similar in nature and the co-accused(A1) has already been arrested and released on bail vide order, dated 07.04.2025 in Crl.O.P(MD).No.6409 of 2025. He further submits that the investigation of the case is still pending and, thereafter, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses



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and commit the similar offence. Accordingly, he prays to dismiss this Criminal
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Original Petition.

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

7. In view of the offence alleged against the petitioner and quantity of gravel sand allegedly excavated and transported by the petitioner and also consider the fact that alleged illegal transport of minerals along with vehicles have been already seized, this Court is of the view that custodial interrogation of petitioner is not necessary in this case. 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 facts and circumstances of the case, and taking note of the fact that the co-accused has already been released on bail, and with a view to give one more 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 District Munsif – cum - Judicial Magistrate, Aravakurichi within a period of 15 days from date on which the order



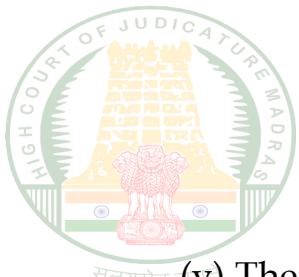
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copy is made ready, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten Thousand only) to the satisfaction of the learned District Munsif - cum - Judicial Magistrate, Aravakurichi.

(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, Aravakurichi, 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 am until further orders;

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



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(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 him 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 not directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif – cum - Judicial Magistrate, Aravakurichi.

(ix) On breach of any of the aforementioned conditions, the learned District Munsif – cum - Judicial Magistrate, Aravakurichi is entitled to pass appropriate orders against the petitioner 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].



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

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sd/-
25/04/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. The District Munsif – cum - Judicial Magistrate, Aravakurichi
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Aravakurichi Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.M.MADASAMY, Advocate (SR-4872[I] dated 28/04/2025)

ORDER

IN

CRL OP(MD) No.7373 of 2025

Date :25/04/2025

VN /28.05.2025 7P/6C

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