



CRL OP(MD). No.7602 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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Chinrasu

... Petitioner/ Accused No.2

Vs

The State of Tamilnadu,  
Rep by the Inspector of Police,  
K.Paramathi Police Station,  
Karur District.  
(Crime No. 303 of 2024).

... Respondent/ Complainant

For Petitioner : Mr. J.Imran Khan  
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.303 of 2024 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 23.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / accused No.2 apprehends arrest at the hands of the respondent-police for the offences punishable under Sections 303(2) of BNS, 2023 r/w. 21(1) of Mines and Minerals (Development and Regulation) Act, in Crime No.303 of 2024 on the file of the respondent-police.

3. The case of the prosecution is that on 05.12.2024 at 8.00 pm, when the defacto complainant viz., Assistant Geologist and Mining Department, Karur was conducting a vehicle check-up nearby Kongu Mess in Karur to Coimbatore road, at that time, the petitioner herein and other accused were illegally excavated and transported 6 units of river sand by using M-sand permit in a Tipper Lorry bearing Regn.No.TN 28 BH 9059. Hence, the case.

4. Mr.J.Imran Khan, the learned counsel for the petitioner, submits that it is a second pre-arrest bail petition and the earlier petition filed by the petitioner was



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dismissed by this Court vide order, dated 20.01.2025 in Crl.O.P(MD).No.787 of 2025,

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wherein at paragraph Nos. 3 to 5 held as follows:

“3. The learned counsel appearing for the petitioner submitted that the petitioner is the owner of the lorry and what was carried was only M-sand and not river sand and a false case has been foisted against the petitioner.

4. The learned Government Advocate (Crl. Side) submitted that by misusing the permit given for carrying M-sand, 6 units of river sand was carried in the vehicle.

5. Taking into consideration the facts and circumstances of the case and taking note of the specific stand that has been taken by both sides and also considering the quantity of sand that is involved in this case, this Court is not inclined to grant anticipatory bail for the present. The picture will get more clearer after the respondent police gets the test report which will clearly establish as to whether M-sand was carried in the vehicle or river sand was carried.”

The learned counsel for the petitioner submits that till date the respondent – Police did not take steps to send the samples to the Forensic Laboratory. He further submits that 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 further 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.S.S.Manoj the learned Government Advocate (Criminal Side)



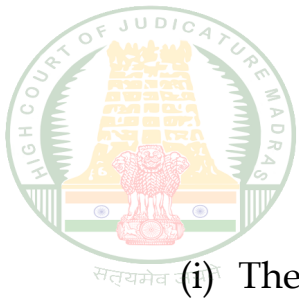
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appearing for the respondent-police, on instructions, submits that no steps have been taken so far to send the sand in question for Laboratory examination. He further submits that both the vehicle and sand were seized. He further submits that the investigation of the case is still pending and therefore, at this stage, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit the similar offence. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that both the vehicle and sand were seized from the petitioner, this Court is of the view that the custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence and deep roots in the society. Therefore, there is less possibility for absconding. Despite the order passed by this Court, the respondent - Police has not taken any steps to send the samples to Forensic Laboratory. Hence 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.



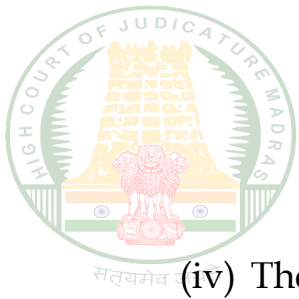
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(i) The petitioner shall be released on pre-arrest bail in the event of his arrest or in the event of his surrender before the learned District Munsif - Cum - Judicial Magistrate, Aravakurichi, within a period of 15 days from the date on which the 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.25,000/- (Rupees Twenty Five 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 report before the learned District Munsif - Cum - Judicial Magistrate, Aravakurichi on all working days at 10.30 am until further orders.



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(iv) The petitioner shall make himself available for interrogation by a police officer 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 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 the witnesses and shall also not 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



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conditions are imposed by him as laid down by the Hon'ble Supreme Court in P.K.

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Shaji vs. State of Kerala [(2005) 13 SCC 283].

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

sd/-  
25/04/2025

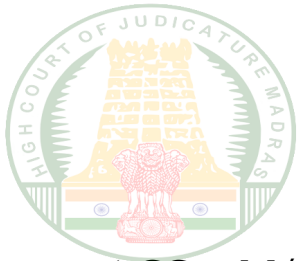
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/05/2025  
Sub-Assistant Registrar  
( C.S. I / II / III / IV )  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

TRP

TO

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



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+1 CC to M/s.J.IMRAN KHAN, Advocate ( SR-4768[I] dated 25/04/2025 )

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ORDER  
IN

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Date :25/04/2025

VN /28.05.2025 8P/6C

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