



CRL OP(MD). No.7521 of 2025

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

Date : 24/04/2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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J.Balaji

... Petitioner/Sole Accused

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Thogamalai Police Station,
Karur District.
(Crime No.460 of 2024).

... Respondent/Complainant

For Petitioner : Mr. Sathya Chidambaram,
Advocate.

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

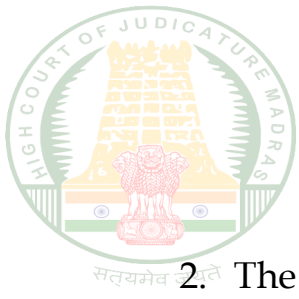
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.460 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 22.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.



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2. The petitioner/Sole Accused apprehends arrest at the hands of the respondent-Police for the alleged offences punishable under Sections 303 (2) and 62 of BNS, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.460 of 2024 on the file of the respondent-Police.

3. The case of the prosecution is that on 11.11.2024, at about 04.30 p.m., the defacto complainant-Village Administrative Officer, along with revenue officials, went to Vadacheri for field inspection, at that time, the petitioner and other accused excavated red sand in his patta land in Survey No.575/5B situated at Vadacheri village, by using a HITACHI machinery / vehicle bearing registration number without any valid license or permission for excavation of red sand. Thereafter, the respondent-Police seized the alleged vehicle from the accused. Hence, the case.

4. Mr.Sathya Chidambaram, 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 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 (Criminal Side) appearing for the respondent-police, submits that the petitioner has illegally excavated red sand by using HITACHI machinery / vehicle without any



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valid license or permission. He further submits that there is no previous case pending against the petitioner. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that the vehicle, using which the petitioner illegally excavated red sand, has already been seized by the respondent-Police, this Court is of the view that the custodial interrogation of the petitioner is not necessary. Further, 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 fact that there is no previous case pending against the petitioner, and with a view to give one 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 bail in the event of his arrest or in the event of his surrender before the learned Judicial Magistrate No.I, Kulithalai, Karur District, 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 Judicial Magistrate No.I,



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Kulithalai, Karur Distict,;

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(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.I, Kulithalai, Karur Distict, shall obtain a copy of any one identity proof from each surety 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 petitioner shall make himself available for interrogation by polic 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.I, Kulithalai, Karur Distict,;

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

(ix) On breach of any of the aforementioned conditions, the learned Judicial



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Magistrate No.I, Kulithalai, Karur Distict or Trial Judge, 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 him / her 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/-
24/04/2025

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

VSG
TO

- 1.THE LEARNED JUDICIAL MAGISTRATE NO.I,
KULITHALAI, KARUR DISTICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THOGAMALAI 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.S.SATHYA CHIDAMBARAM, Advocate (SR-4752[I] dated
25/04/2025)

ORDER IN
CRL OP(MD) No.7521 of 2025
Date :24/04/2025

PR/26.05 .2025 6P/6C

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