



CRL OP(MD). No.7503 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

CRL OP(MD). No.7503 of 2025

1. Mahesh @ Soosai Mahesh

2. Sudhahar

... Petitioners/ A2 & A3

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Panagudi Police Station,
Tirunelveli District.
(Crime No.386 of 2025).

... Respondent/Complainant

For Petitioners : Mr.K.Sudalaiyandi,
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.386 of 2025 on the file of the respondent-Police.



CRL OP(MD). No.7503 of 2025

WEB COPY

ORDER : The Court made the following order :-

This Criminal Original Petition has been filed by the petitioners on 22.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.

2. The petitioners / Accused Nos.2 and 3 apprehend arrest at the hands of the respondent-Police for the alleged offences punishable under Section 303 (2) of Bharatiya Nyaya Sanhita, 2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.386 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 18.04.2025, at about 06.00 a.m., based on a secret information, the defacto complainant-Zonal Deputy Tahsildar, Radhapuram, went to Punjai Kutty Kulam and found that the petitioners and other accused illegally excavated by using JCB bearing Registration No.TN 72 BW 7088 and transported two units of gravel sand by using tipper lorry bearing Registration No.TN 40 AA 6436 without any valid license or permission. Thereafter, the respondent-Police seized the sand and the alleged vehicles from the accused. Hence, the case.



CRL OP(MD). No.7503 of 2025

WEB COPY

4. Mr.K.Sudalaiyandi, 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 therefore prays for grant of pre-arrest bail to the petitioners.

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 and transported two units of gravel sand by using JCB and Tipper Lorry without any valid license or permission. He further submits that there are three previous cases pending against the petitioner, which are not similar in nature. The second petitioner has no previous case. 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 vehicles along with illegally transported gravel sand have already been seized by the respondent-Police, the custodial interrogation of the petitioners is not necessary. Further, the petitioners have 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 gravel sand allegedly excavated and transported by the petitioners, and with a view to give one



CRL OP(MD). No.7503 of 2025

opportunity to the petitioners to reform themselves, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions.

(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 Valliyoor, Tirunelveli 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) each 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 Valliyoor, Tirunelveli District,;

(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 Valliyoor, Tirunelveli District, shall obtain a copy of any one identity proof of each surety to ensure their identity;

(iii) The petitioners shall appear and sign before the respondent-Police daily at 10.30 a.m., until further orders;

(iv) The petitioners shall make themselves available for interrogation by police 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 them



CRL OP(MD). No.7503 of 2025

from disclosing such facts to the Court or to any police officer;

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(vi) The petitioners shall not leave India without prior permission of the Court;

(vii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate Valliyoor, Tirunelveli District;

(viii) The petitioners 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 Magistrate Valliyoor, Tirunelveli District or Trial Judge, 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 / 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 (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSG



CRL OP(MD). No.7503 of 2025

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1 THE JUDICIAL MAGISTRATE
VALLIYOOR, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SUDALAIYANDI, Advocate (SR-4727[I] dated 24/04/2025)

ORDER
IN

CRL OP(MD) No.7503 of 2025

Date :24/04/2025

SS/SAR- /26/05/2025/ 6P/6C

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