



CRL OP(MD). No.7546 of 2025

WEB COPY

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.7546 of 2025

Karuppasamy

... Petitioner/ Accused No.1

Vs

The State of Tamilnadu Rep.,
By, the Sub Inspector of Police,
Mallanginar Police Station,
Virudhunagar District.
(Crime No. 76 of 2025).

... Respondent/ Complainant

For Petitioner : Mr. Kishore Kumar.S.,
Advocate.

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

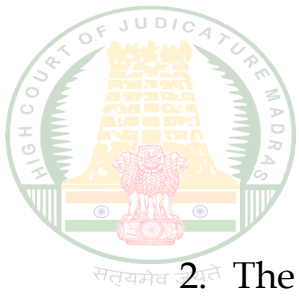
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 76 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 petitioner on 22.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to grant an order of pre-arrest bail.



CRL OP(MD). No.7546 of 2025

WEB COPY

2. The petitioner/Accused No.1 apprehends arrest at the hands of the respondent-Police for the alleged offences punishable under Section 21(1)(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.76 of 2025 on the file of the respondent-Police.

3. The case of the prosecution is that on 15.04.2025, at about 03.00 p.m., based on secret information, the defacto complainant-Village Administrative Officer, Mallanginar Village and his village assistant were on vehicle check up near Kalamman Kovil Street, Mallanginar, at that time, they intercepted lorry bearing Registration No.TN 65 Al 2115 and found that the petitioner and other accused persons illegally transported 1½ units M-sand without any valid license or permission and he has only bill receipts and no transit pass. Thereafter, the respondent-Police seized the alleged vehicle from the accused. Hence, the case.

4. Mr.S.Kishore Kumar, 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



CRL OP(MD). No.7546 of 2025

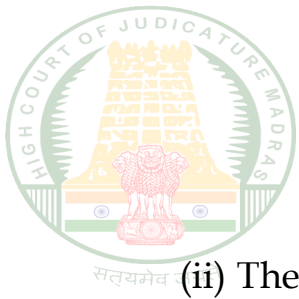
WEB COPY

illegally transported 1 ½ units of M-sand by using lorry without any 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, which illegally excavated M sand has already been seized by the respondent-Police, 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 pre-arrest bail in the event of his arrest or in the event of his surrender before the learned District Munsif Cum Judicial Magistrate, Kariapatti 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.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, Kariapatti District,;



CRL OP(MD). No.7546 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 District Munsif Cum Judicial Magistrate, Kariapatti 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 weekly once (ie., on Sunday) at 10.00 a.m., until further orders;

(iv) The petitioner shall make himself available for interrogation by police 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 prior permission of the Court;

(vii) The petitioner shall furnish his residential address and mobile number to the learned District Munsif Cum Judicial Magistrate, Kariapatti District,;

(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 District Munsif Cum Judicial Magistrate, Kariapatti District or Trial Judge, as the case may



CRL OP(MD). No.7546 of 2025

be, is entitled to pass appropriate orders against the petitioner in accordance with
WEB COPY
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

/ TRUE COPY /

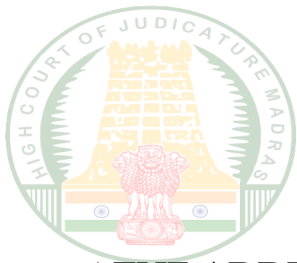
/05/2025

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

VSG

TO

- 1.THE LEARNED DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, KARIAPATTI DISTRICT.
- 2.THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3.THE SUB INSPECTOR OF POLICE,
MALLANGINAR POLICE STATION,
VIRUDHUNAGAR DISTRICT.



CRL OP(MD). No.7546 of 2025

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

+1. CC to M/S. KISHORE KUMAR.S. Advocate SR.No.4845 (I) DT.25/04/2025

ORDER IN
CRL OP(MD) No.7546 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