



CRL OP(MD). No.7919 of 2025

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

Date : 29.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

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M.Mugash @ Mugesh

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Andipatti Police Station,
Theni District.
Crime No.143 of 2025

... Respondent/Complainant

For Petitioner : Mr.C.Saravanakumar
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS, 2023

PRAYER :-

For Anticipatory Bail in Crime No.143 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 25.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to



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grant an order of pre-arrest bail.

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2. The petitioner apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Sections 132 and 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.143 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that 09.04.2025, at about 07.00 a.m., when the defacto complainant and Village Assistant were in routine surveillance, they found the petitioner / A1 - JCB operator and A2 - driver of tipper lorry illegally excavating red sand without permission in S.No.1025 of Anupapatti Village north side, Andipatti Bit 1 Village. On seeing the officials, the petitioner and other accused persons escaped in their respective vehicles. Hence, the case.

4. Mr.C.Saravanakumar, learned counsel appearing for the petitioner submits that the petitioner did not commit any offence as alleged by the prosecution and that a false case has been foisted against him. He however submits that the petitioner is ready to abide any conditions to be imposed by this Court. Hence, he prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.S.S.Manoj, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that on seeing the police, the petitioner and other accused escaped and hence, the vehicles were not seized by the



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respondent-Police. He further submits that the petitioner has no previous case. He
prays to dismiss this Criminal Original Petition.

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

7. In view of the offences allegedly committed by the petitioner, this Court is of the opinion that custodial interrogation of the petitioner is not necessary for the Investigation Agency in this case. Further, the petitioner has permanent residence and deep roots in the Society, and therefore, there is less possibility of absconding. Considering the above and also considering the fact that the petitioner is only a JCB operator and taking into account the fact that the petitioner is a first offender and 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:

(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, Andipatti, Theni 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 Judicial Magistrate, Andipatti, Theni District;

(ii) The sureties shall affix their photographs and left thumb impression in the



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Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate shall obtain a copy of any one identity proof of each surety to ensure their identity;

(iii) The petitioner shall make himself available for interrogation by police as and when required;

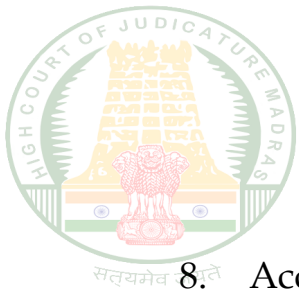
(iv) The petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

(v) The petitioner shall not leave India without prior permission of the Court;

(vi) Thereafter, the petitioner shall appear and sign before the respondent-Police daily at 09.00 a.m. until further orders;

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

(viii) On breach of any of the aforementioned conditions, concerned Magistrate 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 them 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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/05/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

- 1.The Judicial Magistrate,Andipatti, Theni District.
 - 2.Do through the Chief Judicial Magistrate, Theni.
 - 3.The Inspector of Police, Andipatti Police Station,Theni District.
 - 4.The Additional Public Prosecutor,Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.C.SARAVANA KUMAR, Advocate (SR-5042[I] dated 29/04/2025)

ORDER IN
CRL OP(MD) No.7919 of 2025
Date :29/04/2025

PP/28.05.2025 5P/6C

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