



CRL OP(MD). No.8102 of 2025

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

Date : 30.04.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL
CRL OP(MD). No.8102 of 2025

Ganeshkumar

... Petitioner/ Accused No.2

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Tamil University Police Station,
Thanjavur District.
Crime No.165 of 2025

... Respondent/ Complainant

For Petitioner : Mr.M.Jegadeesh Pandian

For Respondent : Mr.M.Karunanithi,
Government Advocate (Crl.Side)

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

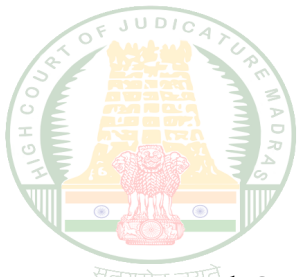
PRAYER :-

For Anticipatory Bail in Crime No.165 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 28.04.2025 under Section 482 of Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner apprehends arrest at the hands of the respondent-police for the offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita (BNS),



CRL OP(MD). No.8102 of 2025

2023 and Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.165 of 2025 on the file of the respondent-police.

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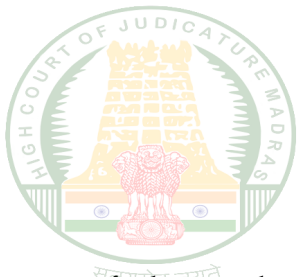
3. The case of the prosecution is that on 24.04.2025, at about 10.05 a.m., in an inspection conducted by the mining officials in front of Collector Officer, they found a tipper lorry bearing Registration No.TN 55 AF 0303 loaded with M-Sand without any valid permission. Hence, the case.

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

5. Per contra, Mr.M.Karunanithi, learned Government Advocate (Crl.Side) appearing for the respondent-police, submits that the petitioner is the owner of the tipper lorry and he transported M-sand in a tipper lorry without valid permission. Therefore, 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 with minerals have already been seized, custodial interrogation of the petitioner is not necessary. The petitioner has permanent residence and deep roots in the society and hence, there is less possibility



CRL OP(MD). No.8102 of 2025

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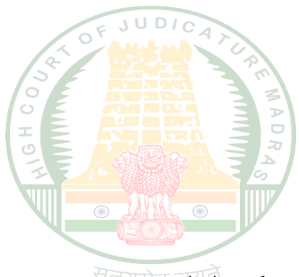
of absconding. Considering the same and the nature of the offences alleged against the petitioner and with a view to give an opportunity to the petitioner to reform himself, this Court is inclined to grant an order of pre-arrest bail to the petitioner subject to the following conditions:

(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 No.II, Thanjavur 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 No.II, Thanjavur 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 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 him from disclosing such facts to the Court or to any police officer;



CRL OP(MD). No.8102 of 2025

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(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 10.00 a.m. until further orders;

(vii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.II, Thanjavur District;

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

(ix) 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].

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

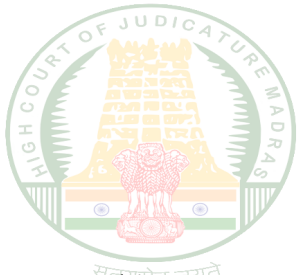
Sd/-

30/04/2025

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/08/2024

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



CRL OP(MD). No.8102 of 2025

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TO

1.The Judicial Magistrate No.II,
Thanjavur District.

2.Do Through
The Chief Judicial Magistrate,
Thanjavur District.

3.The Inspector of Police,
Tamil University Police Station,
Thanjavur District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD) No.8102 of 2025
Date : 30.04.2025

BV(27/05/2025) 5P/ 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.