



CRL OP(MD). No.8150 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

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Premnath

... Petitioner/ Accused rank not known

Vs

The State of Tamil Nadu,
Rep.By, the Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
(In Crime No.36 of 2025).

... Respondent/Complainant

For Petitioner : Mr.T.M.Madasamy
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.36 of 2025 on the file of the Respondent-Police.



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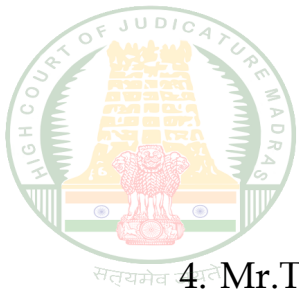
ORDER : The Court made the following order :-

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This Criminal Original Petition has been filed by the petitioner on 28.04.2025 under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant an order of pre-arrest bail.

2. The petitioner / Accused [rank not known] apprehends arrest at the hands of the respondent-police for the alleged offences punishable under Section 303(2) of Bharatiya Nyaya Sanhita, 2023, r/w. Section 21(1) of Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.36 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on 07.02.2025, at about 8.00 pm, when the defacto complainant viz., Special Revenue Inspector, Geology and Mines Department, Karur District, was on patrol duty near a petrol bunk at Tharangampatty, he found that the petitioner herein, along with two other accused persons, was illegally excavating and transporting 2 units of gravel sand by using a Tipper Lorry bearing Regn.No.TN 30 Y 5266 from the Patta land belonging to the petitioner / A3. Hence, the case.



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4. Mr.T.M.Madasamy, the learned counsel for the petitioner, submits that the petitioner is an innocent person, and that he has not committed any offence as alleged by the prosecution, and that he has been falsely implicated in this case. He however submits that the petitioner is ready to abide any conditions that may be imposed by this Court. He therefore prays for grant of pre-arrest bail to the petitioner.

5. *Per contra*, Mr.M.Karunanithi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there is one previous case pending against the petitioner, which is similar in nature. He further submits that the investigation of the case is still pending and, at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit similar offences. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. In view of the offence allegedly committed by the petitioner and considering the quantity of gravel sand allegedly excavated from the petitioner's patta land and

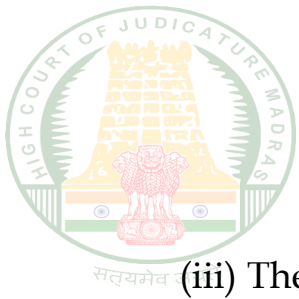


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transported, this Court is of the opinion that custodial interrogation of the petitioner is not necessary in this case. Further, the petitioner has permanent residence and deep roots in the society, and therefore, there is less possibility for absconding. Considering the above, and also considering the facts and circumstances of the case, 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.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.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 the learned Judicial Magistrate No.I, Kulithalai, Karur 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 No.I, Kulithalai, Karur District shall obtain a copy of any one identity proof of each surety to ensure their identity.



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(iii) The petitioner shall appear and sign before the respondent - police weekly twice ie., on every Monday and Friday at 10.00 am 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 not tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Kulithalai, Karur District.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate No.I, Kulithalai, Karur District or the 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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Sd/-

30/04/2025

// True Copy //

/2025

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

TRP

TO

1. The Judicial Magistrate No.I,
Kulithalai, Karur District,
2. Do-Through The Chief Judicial Magistrate,
Karur District.
3. The Inspector of Police,
Chinthamanipatty Police Station,
Karur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.T.M.MADASAMY, Advocate (SR-5129[I] dated 30/04/2025)



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Date : 30/04/2025

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