



CRL OP(MD). No.8125 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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Palani

... Petitioner/ Accused
[rank not known]

Vs

The State of Tamilnadu
Rep, by the Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District
(Cr.No.37/2025).

... Respondent/ Complainant

For Petitioner : Mr.R. Senthilkumar
Advocate

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

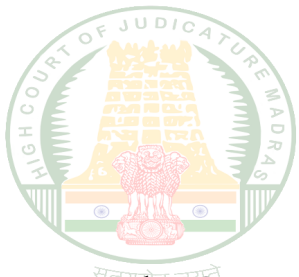
PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.37 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



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under Section 482 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying
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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.37 of 2025 on the file of the respondent-police.

3. The case of the prosecution is that on receiving a secret information, on 20.03.2025 at about 16.20 hours, the respondent – Police conducted a raid, at that time, they found that the petitioner herein along with other accused persons, was illegally excavating and transporting 3 units of River Sand by using a Lorry bearing Regn.No.TN 76 K 5056 and the same were seized. Hence, the case.

4. Mr.R.Senthil 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. Mr.M.Karunanithi, the learned Government Advocate (Crl. Side) appearing for the respondent-police, submits that there is no previous case pending against the



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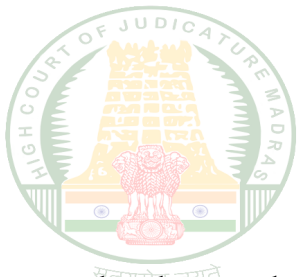
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petitioner. He further submits that the investigation of the case is still pending and at this stage of investigation, if pre-arrest bail is granted to the petitioner, he may cause threat to the witnesses and commit similar offences. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. Considering the facts and circumstances of the case and also considering the fact that the respondent - Police have already seized the vehicle and minerals, this Court is of the view that custodial interrogation of the petitioner is not necessary in this case. The petitioner has permanent residence and deep roots in the society and therefore, there is less possibility for absconding. Considering the above and taking note of the fact that there is no previous case pending against the petitioner, and with a view to give an opportunity 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, Paramakudi within a period of 15 days from 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



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the learned Judicial Magistrate, Paramakudi.

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(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, Paramakudi, shall obtain a copy of any one identity proof of each surety to ensure their identity.

(iii) The petitioner shall appear and sign before the respondent - police daily 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 directly or indirectly cause any threat to the defacto complainant and tamper with the evidence.

(viii) The petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate, Paramakudi.

(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate or the Trial Judge, Paramakudi, as the case may be, is entitled to pass



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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/-

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

TRP

TO

1. The Judicial Magistrate,
Paramakudi.
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District (Cr.No.37/2025).
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN

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Date : 30/04/2025

BV(27/05/2025) 6P / 5C

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