



CRL OP(MD). No.8191 of 2025

WEB COPY 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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1. Magesh Alias Mageshkumar
2. Ramamoorthy

... Petitioners/rank not known

Vs

The State of Tamilnadu Rep.by,
The Inspector of Police, Sayalkudi
Police Station, Ramanathapuram
(In Cr.No.76/2025).

... Respondent/Complainant

For Petitioners : Mr.M.Dinesh Hari Sudarsan
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.76/2025 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 petitioners 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 petitioners / Accused [rank not known] apprehend arrest at the hands of the respondent- police for the alleged offences punishable under Sections 305(e) of Bharatiya Nyaya Sanhita (BNS), 2023 r/w. Section 21(1) 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 19.04.2025 at about 5.00 am, when the defacto complainant-Sub Inspector of Police, Sayalkudi Police Station, along with his officials was on patrolling duty, based on a secret tip, they found that the petitioners herein and two other accused were illegally excavating and transporting 3 units of river sand by using a Tractor. On seeing the Police two persons fled from the occurrence place. Hence, the case.

4. Mr.M.Dinesh Hari Sudarsan, the learned counsel for the petitioners, submits that the petitioners are innocent persons, they have not committed any offence as alleged by the prosecution, and they have been falsely implicated in this case. He however submits that the petitioners are ready to abide any conditions to be



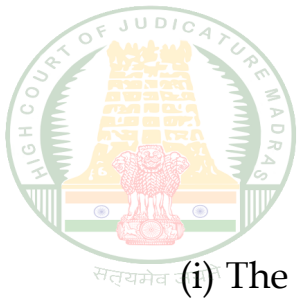
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imposed by this Court. Accordingly, he prays to grant an order of pre-arrest bail to the petitioners.

5. *Per contra*, Mr.M.Karunanithi, the learned Government Advocate (Criminal Side) appearing for the respondent-police, submits that both, the vehicles and minerals were seized. He further submits that there is no previous case pending against the 2nd petitioner and the 1st petitioner is involved in one previous case. He further submits that the investigation of the case is pending and at this stage, if the pre-arrest bail is granted to the petitioners, they may cause threat to the witnesses. Hence, he prays to dismiss this Criminal Original Petition.

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

7. Considering the fact that illegally transported river sand, has been seized along with vehicle, the custodial interrogation of the petitioners is not necessary for investigating agency in this case. Further, the petitioners have permanent residence and deep roots in the society. Therefore, there is less possibility of absconding. Considering the above and also considering the facts and circumstances of the case and the nature of the offence alleged against the petitioners and also with a view to give an opportunity to the petitioners to reform themselves, this Court is inclined to grant pre-arrest bail to the petitioners. Accordingly, pre-arrest bail is granted to the petitioners subject to the following conditions:



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(i) The petitioners shall be released on bail in the event of their arrest or in the event of their surrender before the learned Judicial Magistrate, Kadaladi, 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) each 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, Kadaladi.

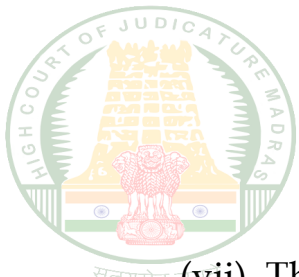
(ii) The sureties shall affix their photographs and left thumb impression in the Application for Suretyship [Judicial Form No.46 annexed to 'The Criminal Rules of Practice, 2019']. The learned Judicial Magistrate, Kadaladi shall obtain a copy of any one identity proof of each surety to ensure their identity.

(iii) The petitioners shall appear and sign before the respondent-police daily at 10.00 am until further orders.

(iv) The petitioners shall make themselves available for interrogation by police as and when required.

(v) The petitioners 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 petitioners shall also not directly or indirectly cause any threat to the defacto complainant and witnesses, not tamper with evidence.



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Court.

(vii) The petitioners shall not leave India without prior permission of the

(viii) The petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Kadaladi.

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

// True Copy //

/2025

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

TRP



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TO
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1. The Judicial Magistrate, Kadaladi,
2. Do-Through The Chief Judicial Magistrate,
Ramanathapuram District.
3. The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.M.DINESH HARI SUDARSAN, Advocate (SR-5249[I] dated 30/04/2025)

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KVL/26.05.2025 6P/6C

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