



Crl.O.P(MD).No.4424 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Reserved on : 22.07.2025

Pronounced on : 01.08.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI

Crl.O.P(MD).No.4424 of 2025

1.Alagu
W/o.Ramaiah

2.Alagappan
S/o.Suppaiya

...Petitioners/ Accused Nos.5 & 6

Vs.

State of Tamil Nadu rep. by
The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
(Crime No.28 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioners/Accused Nos.5 & 6 on anticipatory bail in the event of their arrest or surrender in Crime No.28 of 2025 on the file of the respondent police.

For Petitioners : Mr.T.Lajapathy Roy
for M/s.Roy and Roy Associates

For Respondent : Mr.S.Prakash
Government Advocate (Crl.side)



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ORDER

The petitioners seek anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offences U/s.303(2) of BNS, 2023 and U/s.21(1) of the Mines and Minerals (Development & Regulation) Act in connection with the case registered in Crime No.28 of 2025 on the file of the respondent police.

2. The case of the prosecution is that the petitioners along with other accused, had taken out sand and mines & mineral materials to the value of more than six crores from their respective lands from 19.02.2025 without permission of the government and stored in their lands.

3. The learned counsel for the petitioners has submitted that the defacto complainant is the Tahsildar. Upon report, the case was registered. Accused No.1 stored dust from RR Industries, which has been functioned by him, after the case, it was sealed out by the Government authorities. The first petitioner is the wife of Accused No.1 and the second petitioner is the father-in-law of Accused No.1. The petitioners are only name lenders and they have not connected with the alleged offences. The first petitioner is suffered by neck pain and swelling, and it was



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suspected lymphoma and she has been given chemotherapy and radiotherapy for the past 11 years. The second petitioner is aged more than 73 years. The petitioners filed a copy of the medical reports. The petitioners have no previous case. They are ready to abide by any condition imposed by this Court. The learned counsel has further submitted that the petitioners are ready to deposit Rs.10 lakhs each without prejudice to their case and they will deposit Rs.10 lakhs at the time of producing sureties and seek eight weeks time to deposit the rest of the amount. The learned counsel has filed an affidavit of the petitioners to that effect and hence, prayed that they may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police objected the petition and without license and permission of the Government, the accused stored huge sand and other materials worth more than six crore. On the basis of complaint lodged by the Tahsildar, the case was registered. Accused Nos.1 and 2 were arrested and they are in custody. The petitioners are Accused No.5 and Accused No.6, the other accused are still absconding. If the petitioners are granted anticipatory bail, they will tamper with the evidence, which would favour the other accused.



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5. Heard and perused the available records. It is seen from the records that the petitioners are A5 and A6, who are the wife and father-in-law of the Accused No.1. Accused No.1 was running the RR Crusher and M/sand Crusher unit. The Tahsildar of Thirumayam Taluk made an inspection of the said unit and found storage of sand, blue metals and other minerals worth Rs.6 crores without any permission, so the said Unit was sealed. The petitioners submitted that they are only name lenders and that Accused No.1 alone managed the business transaction. There is no prima facie material to show the overtacts against the petitioners. The case was registered on 19.02.2025. Material part of investigation might have been completed by this time. The learned Government Advocate (Crl.side) for the respondent admits that the petitioners have no previous case. The first petitioner has filed a copy of the medical reports showing her ailment. The second petitioner is aged 73 years. The petitioners are ready to deposit Rs.10,00,000/- (Rupees Ten lakhs Only) each and filed an affidavit that they would deposit Rs.10 lakhs at the time of producing sureties and the rest of Rs.10 lakhs within eight weeks time. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with condition.

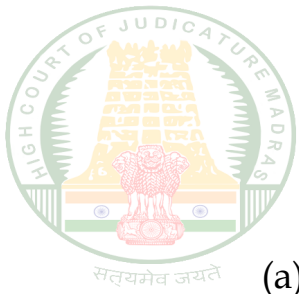


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6. Accordingly, the petitioners are directed to deposit a sum of Rs.10,00,000/- (Rs.5,00,000/- each) to the credit of Crime No.28 of 2025 of respondent police before the trial Court at the time of producing sureties. The petitioners are granted eight weeks further time to deposit the balance amount of Rs.10,00,000/- (Rs.5,00,000/- each) without fail. On deposit of entire amount, the learned Judicial Magistrate concerned is directed to deposit the same in Fixed Deposit in any one of the nationalized bank till the disposal of the main case and pass a suitable order at the time of disposal of case.

7. On such first deposit of Rs.10,00,000/- (Each Rs.5,00,000/-), the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Thirumayam, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the Judicial Magistrate Court, Thirumayam, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



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(a) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

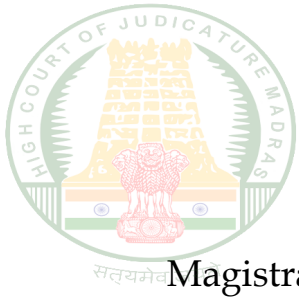
(b) The petitioners shall furnish their residential address and contact number to the learned Judicial Magistrate, Thirumayam. If the petitioners change their residential address, they shall report the same to the learned Judicial Magistrate, Thirumayam;

(c) On release, the petitioners shall appear and sign before the Inspector of Police of respondent police daily at 10.00 a.m. until further orders;

(d) The petitioners shall not abscond either during investigation or trial and they shall cooperate for the investigation;

(e) The petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) That the petitioners shall not commit an offence similar to the offence or any other offence, or of the commission of which they are suspected and if there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial



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Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560 and;

(g) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
01/08/2025

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/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD
TO

- 1 The Judicial Magistrate,
Thirumayam.
- 2 Do Through the Chief Judicial Magistrate,
Pudukottai District.
- 3 The Inspector of Police,
Thirumayam Police Station,
Pudukottai District.
- 4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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+1 CC to M/s.ROY AND ROY ASSOCIATES, Advocate (SR-8418[I] dated
05/08/2025)

ORDER
IN
CRL OP(MD) No.4424 of 2025
Date :01/08/2025

AS/19.08.2025/8P/6C

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