



CRL OP (MD) No.5340 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21.03.2025

PRESENT

THE HONOURABLE MR. JUSTICE R. SAKTHIVEL

CRL OP (MD) No.5340 of 2025

(*)Latha @ Rathamani

... Petitioner/ Accused No.8

Vs

The State of Tamil Nadu
rep. by the Inspector of Police,
Jayamangalam Police Station,
Theni District.
Crime No.40 of 2025

... Respondent/ Complainant

For Petitioner : Mr.M.Prabu
For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side)

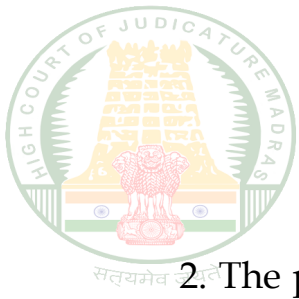
PETITION FOR BAIL Under Sec.483 of BNSS

PRAYER :-

For bail in Crime No.40 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 19.03.2025 under Section 483 of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023, praying to grant bail.



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2. The petitioner/Accused No.8 was arrested and remanded to judicial custody on 03.03.2025 for the alleged offences punishable under Section 21(1) of the Mines and Minerals (Development & Regulation) Act, 1957, Section 303(2) of Bharatiya Nyaya Sanhita (BNS), 2023 and Section 4(a) of Explosive Substances Act, 1908 and Section 3(1) of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, in Crime No.40 of 2025, on the file of the respondent-police.

3. The case of the prosecution is that on 03.03.2025, at about 9.00 a.m., when the defacto complainant, Village Administrative Officer, was on patrol duty on Kullappuram to Viralipatti road, he found that the petitioner and other accused persons were illegally using explosives and stealing minerals from the petitioner's land, comprised in survey No.2526/2A and nearby Government poramboke land, comprised in survey No.2529/1. Hence, the complaint.

4. Mr.M.Prabu, the learned counsel appearing for the petitioner, submits that the petitioner is a women, widow and illiterate, and she has not committed any offence as alleged by the prosecution. He further submits that the petitioner has been falsely implicated in this case. He further submits that the petitioner has been in judicial custody since 03.03.2025 and is ready to abide by any conditions that may be imposed by this Court. He therefore prays to grant bail to the petitioner.

5. Per contra, Mr.K.Sanjai Gandhi, learned Government Advocate (Crl. Side)



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appearing for the respondent-police, submits that the petitioner and other accused persons, by illegally using explosive materials, stole minerals from her patta land and nearby Government poramboke land, thereby causing a huge loss to the Government worth about Rs.9,36,000/-. He further submits that the investigation is still pending, and hence, at this stage, if this Court grants bail to the petitioner, she may commit a similar type of offence and may delay the investigation. Accordingly, he prays to dismiss this Criminal Original Petition.

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

7. It is noted that the Mines and Minerals Department quantified the loss at Rs.9,36,000/-. The petitioner was arrested on 03.03.2025 and has been in judicial custody since then. The petitioner is a woman, a widow, and illiterate. Further, the petitioner has permanent residence and deep roots in society. Hence, there is less possibility of absconding. Considering the same and also considering the nature of offences alleged against the petitioner, the period of incarceration, and with a view to give an opportunity to the petitioner to reform herself, this Court is inclined to grant bail to the petitioner, however, subject to certain conditions. Accordingly, bail is granted to the petitioner subject to the following conditions:

(i) The petitioner shall execute a bond for Rs.10,000/- (Rupees Ten Thousand only) along with two sureties each for a like sum of Rs.10,000/- (Rupees Ten



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Thousand only) to the satisfaction of the learned Judicial Magistrate, Periyakulam;

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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, Periyakulam shall obtain a copy of any one of identity proofs to ensure their identity;

(iii) The petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate, Periyakulam;

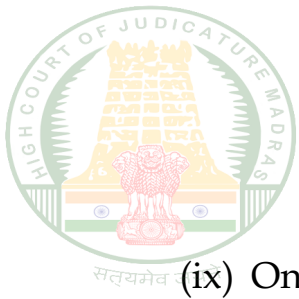
(iv) The petitioner shall appear and sign before the respondent-police daily at 10.00 a.m., until further orders;

(v) The petitioner shall attend in accordance with the conditions of the bond to be executed under Chapter XXXV of BNS, 2023;

(vi) The petitioner shall not commit an offence similar to the offence of which she is accused, or suspected, of the commission of which she is suspected;

(vii) 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 or tamper with the evidence;

(viii) The petitioner shall not directly or indirectly cause any threat to the defacto complainant and witnesses; and



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(ix) On breach of any of the aforementioned conditions, the learned Judicial Magistrate, Periyakulam is entitled to pass appropriate orders against the petitioner in accordance with law as if the aforementioned conditions are imposed by him 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/-
21/03/2025

(*Amended as per order of the court dt.26/03/2025 in CRL MP (MD)No.4090 of 2025 in CRL OP (MD) No.5340 of 2025 by RSVJ)

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26/03/2025

Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

apd

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 21/03/2025 ALREADY DESPATCHED.

1 THE JUDICIAL MAGISTRATE, PERIYAKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE, JAYAMANGALAM POLICE STATION,
THENI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



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4 THE OFFICER INCHARGE, WOMENS JAIL, NILAKOTTAI.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1CC to M/s.M.Prabu, Advocate (SR-3463(I)) dated 26/03/2025

ORDER
IN

CRL OP(MD) No.5340 of 2025
Date :21/03/2025

RS/IT/SAR-(21.03.2025) 6P 6C
NBF/IT/SAR-(26.03.2025) 6P 7C
Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023