



CRL OP(MD). No.7647 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

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Rijo,
S/o.Lucas

... Petitioner/ A1

Vs

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
(Crime No.64 of 2025)

... Respondent/Complainant

For Petitioner : Mr.T.Lenin Kumar,
Advocate

For Respondent : Mr.S.Prakash,
Government Advocate
(Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER:-

For Anticipatory Bail in Crime No.64 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 303(1) of BNS, 2023 in Crime No.64 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 13.01.2025, while the respondent police were on surveillance, a Taurus lorry bearing Registration No.TN-75-AA-4080 was found to be loaded with M-sand. As the lorry appeared to be overloaded, the respondent police took the vehicle to a weighbridge, where it was found that the accused had transported 54 tons of M-sand, whereas the authorized permitted limit is merely 28 tons. Hence, the present case.

3. The learned counsel for the petitioner submitted that this is the second anticipatory bail application filed before this Court. He submitted that the petitioner is an innocent person and has been falsely implicated in this case. He further contended that the allegations levelled against the petitioner do not constitute any offence against him. He also submitted that this Court has already held, in CrI.O.P.



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(MD) No.9074 of 2024, that a criminal case cannot be registered for overloading a vehicle with minerals, and accordingly allowed the said petition. Therefore, the respondent police cannot fasten criminal liability on the petitioner as if he had transported minerals without a valid permit. He, however, submitted that the petitioner is willing to abide by any condition that may be imposed by this Court. Hence, he seeks anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal Side) submitted that the accused transported 28 tons of M-sand. The petitioner is the owner of the lorry and has been arrayed as A1 in this case. A2 has already been granted anticipatory bail by this Court. He further submitted that there are 14 previous cases, all of a similar nature, registered against the petitioner. However, he opposed the grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, and taking note of the fact that this Court has already held that for overloading a vehicle with minerals, a criminal case cannot be registered, and that the co-accused has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner, subject to certain conditions.



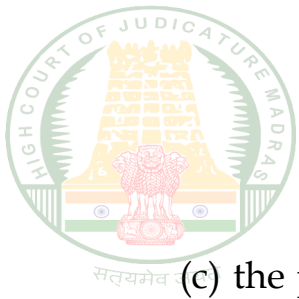
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6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kulithurai on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Judicial Magistrate No.I, Kulithurai and on further conditions that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall furnish his residential address and mobile number to the learned Judicial Magistrate No.I, Kulithurai. In the event of any change in his residential address, the petitioner shall report the same to the learned Judicial Magistrate No.I, Kulithurai;



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(c) the petitioner shall report before the respondent police daily at 10.30 a.m.,
until further orders;

(d) the petitioner shall not tamper with evidence or witness either during
investigation or trial;

(e) the petitioner shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial
Court is entitled to take appropriate action against the petitioner in accordance with
law as if the conditions have been imposed and the petitioner released on bail by
the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme
Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

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

sd/-
25/06/2025

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/07/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO मेव जयते

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1.The Judicial Magistrate No.I,
Kulithurai.

2. Do Through The Chief Judicial Magistrate,
Kanyakumari District @ Nagercoil.

3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-6813[I] dated 26/06/2025)

ORDER
IN

CRL OP(MD) No.7647 of 2025
Date :25/06/2025

HPS/08.07.2025 /6P/6C

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