



CRL OP(MD)No.8390 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.05.2025

PRESENT

The HONOURABLE MR. JUSTICE M.JOTHIRAMAN

CRL OP(MD)No.8390 of 2025

Sathya

... Petitioner

Vs

The State of TamilNadu rep.by
The Inspector of Police,
Kadamalaikundu Police Station,
Theni District.
(In Crime No.78 of 2025)

... Respondent

For Petitioner : Mr.C.Susikumar

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate(Crl.side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.78 of 2025 on the file of the respondent police.



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ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under sections 303(2) BNS, 2023 and 21(4) of Mines and Minerals (Development & Regulation) Act, 1957 in Cr.No.78 of 2025 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that On 16.04.2025, the Assistant Director, Geology and Mining, Theni District had conducted surprise check up, at that time, the petitioner and other persons were excavated sand from Senglulam pond without having any permission or license. The Officials seized the JCB bearing registration No. TN-60-M-6179. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner did not involved in any of the offences as alleged by the prosecution. The petitioner is an innocent and she is falsely implicated in this case. The petitioner is ready to abide by any conditions to be imposed by this Court. He therefore prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the petitioner and other persons were illegally excavated sand from Senglulam Pond using JCB bearing registration No. TN-60-Am-6179, and



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used the illegally excavated sand for their bricks chamber. There is no previous case as against the petitioner. However, he prays to dismiss this Criminal Original Petition.

5. Considering the nature of the allegations and considering the fact that there is no previous case as against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate, Aundipatti, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 report before the respondent Police daily at 10.30a.m. until further orders.



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[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] 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 petitioners 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
08/05/2025

/ TRUE COPY /

/05/2025
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GVN
TO

1.THE JUDICIAL MAGISTRATE,
AUNDIPATTI.

2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,



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THENI DISTRICT.

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

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-5432[I] dated 09/05/2025)

ORDER
IN

CRL OP(MD) No.8390 of 2025
Date :08/05/2025

HPS/29.05.2025 /5P/6C

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