



CRL OP(MD).No.8665 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
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(Criminal Jurisdiction)

Date : 24.06.2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD).No.8665 of 2025

1.K.Eswaran

2.P.Mathan

... Petitioners / A1 and A2

Vs.

The State of Tamil Nadu,
Rep. by the Inspector of Police,
Aundipatti Police Station,
Theni District.
(Crime No.181 of 2025)

... Respondent/Complainant

PRAYER : Criminal Original Petition filed under Section 482 of the Bharatiya
Nagarik Suraksha Sanhita, 2023 (BNSS) for Anticipatory Bail in Crime No.181 of
2025 on the file of the respondent police.

For Petitioners : Mr.C.Susikumar,
Advocate

For Respondent : Mr.M.Karunanithi,
Government Advocate
(Criminal Side)



CRL OP(MD).No.8665 of 2025

W I ORDER: The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of the Bharatiya Nyaya Sanhita, 2023, Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957, in Crime No.181 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant, who is serving as the Village Administrative Officer, received confidential information regarding illegal sand transportation. On 10.05.2025, he, along with deputed officials, proceeded to Aundipatti-Pullimankombai Main Road, where they found that Accused Nos.1 and 2 were transporting 3 units of crusher sand without valid permission or license, using vehicles bearing Registration Nos.TN-60-BX-3396 and TN-60-BX-0559. Hence, the case.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He would further submit that a false case has been foisted against the



CRL OP(MD).No.8665 of 2025

petitioners. He would further submit that there no previous cases against the
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petitioners. Hence, he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) would submit that the accused persons were found illegally transporting 3 units of crusher sand without valid permission or license. He would further submit that there are no previous cases against the petitioners. He would also submit that the alleged properties involved in the offence have been seized. He would also submit that the investigation is still pending, and therefore, he opposes the grant of anticipatory bail to the petitioners at this stage.

5. This Court has heard the learned counsel on both sides and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case, the nature of offence allegedly committed by the petitioners and taking note the quantity of minerals involved in this case and also taking into consideration the fact that there are no previous cases against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners, subject to certain conditions.



CRL OP(MD).No.8665 of 2025

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7. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aundipatti on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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, Aundipatti and on further conditions that:

(a) the petitioners 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 petitioners shall furnish their residential address and mobile number to the learned Judicial Magistrate, Aundipatti. In the event of any change in their residential address, the petitioners shall report the same to the learned Judicial Magistrate, Aundipatti.



CRL OP(MD).No.8665 of 2025

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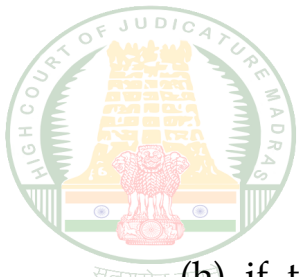
[c] the petitioners shall make a non-refundable deposit of Rs.3,000/- (Rupees Three Thousand only) each to the credit of Chairman / District Collector, District Mineral Foundation Trust of the concerned District and on such deposit being made, the learned Judicial Magistrate shall accept the sureties furnished by the petitioners.

(d) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(f) the petitioners shall not abscond either during investigation or trial.

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 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].



CRL OP(MD).No.8665 of 2025

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

8. In the result, this Criminal Original Petition is allowed subject to the conditions stated supra.

sd/-
24/06/2025

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

PAL

TO

- 1.THE JUDICIAL MAGISTRATE, AUNDIPATTI.
- 2.THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3.THE OFFICER INCHARGE,
THE CHAIRMAN/DISTRICT COLLECTOR,
DISTRICT MINERAL FOUNDATION TRUST, THENI DISTRICT.
- 4.THE INSPECTOR OF POLICE,
AUNDIPATTI POLICE STATION,
THENI DISTRICT.



CRL OP(MD).No.8665 of 2025

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

+1 CC to M/s.C.SUSI KUMAR, Advocate (SR-6832[I] dated 26/06/2025)

ORDER
IN

CRL OP(MD) No.8665 of 2025
Date :24/06/2025

PR/11.07 .2025 7P/7C

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