



CRL OP(MD). No.9066 of 2025

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

Date : 28.05.2025

PRESENT

THE HONOURABLE MS. JUSTICE R.POORNIMA

CRL OP(MD). No.9066 of 2025

1.R.Senthil Kumar

2.P.Pandi

... Petitioners/ Accused

Vs

State of Tamilnadu
Rep. by the Inspector of Police,
Namanasamudram Police Station,
Pudukkottai District.
(Crime No. 43 of 2025).

... Respondent/ Complainant

For Petitioners : Mr. A.Shajahan,
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 43 of 2025 on the file of the respondent Police.



CRL OP(MD). No.9066 of 2025

ORDER: The Court made the following order :-

WEB COPY

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 303(2) and 62 of BNS and Section 21(4) of the Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.43 of 2025 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on information, when the respondent police went for a ride, they found that two persons were drilling in the rock and smashed them and also attempted to illegally transport the rocks from the Government poramboke land by using an unnumbered Swaraj 843 x M compressor tractor. Hence, the case.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and a false case has been foisted against the petitioners. Hence, he prayed to allow this petition.

4. The learned Government Advocate (Crl. Side) for the respondent police also admitted that one named accused and two unnamed accused were involved in this case. She further submitted that the first petitioner/A1 is the owner of the tractor and the second petitioner/A2 is the tractor driver. Hence, she opposed to grant anticipatory bail to the petitioners. However, she fairly submitted that the



CRL OP(MD). No.9066 of 2025

investigation in going on and no previous case is pending against the petitioners.

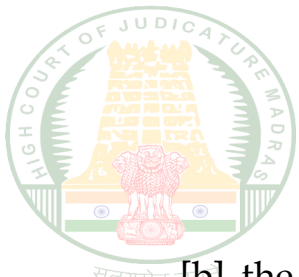
WEB COPY

5. Considering the facts and circumstances of the case and considering the fact that the first petitioner/A1 is the owner of the vehicle, this Court is not inclined to grant anticipatory bail to the first petitioner/A1.

6. Further, as regards the second petitioner/A2 is concerned, taking into consideration the facts and circumstances of the case and also considering fact that the second petitioner/A2 is the driver of the tractor and he has no previous case, this Court is inclined to grant anticipatory bail to the second petitioner alone subject to the certain conditions.

7. Accordingly, the second petitioner/A2 is ordered to be released on anticipatory bail in the event of 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, Thirumayam, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate, on further condition that:

[a] if the second petitioner/A2 fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;



CRL OP(MD). No.9066 of 2025

WEB COPY

[b] the second petitioner/A2 shall report before the respondent police for a period of 30 days and as and when required for interrogation;

[c]the second petitioner/A2 shall not tamper with evidence or witness either during investigation or trial;

[d]the second petitioner/A2 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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;

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

sd/-
28/05/2025

/ TRUE COPY /

/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



CRL OP(MD). No.9066 of 2025

APD
WEB COPY

TO

1 THE JUDICIAL MAGISTRATE,
THIRUMAYAM

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUKKOTTAI DISTRICT.

3. The Inspector of Police,
Namanasamudram Police Station,
Pudukkottai District.

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

+1 CC to M/s.A.SHAJAHAN, Advocate (SR-5794[I] dated 28/05/2025)

ORDER

IN

CRL OP(MD) No.9066 of 2025

Date :28/05/2025

MK/04.06.2025 5P/6C

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