



CRL OP(MD). No.9113 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18/06/2025

PRESENT

THE HONOURABLE MR. JUSTICE P. VADAMALAI

CRL OP(MD). No.9113 of 2025

1.Sangeetha,
W/o.Lenin

2.Lenin,
S/o.Asaithambi

... Petitioner/ A3 and A4

Vs

The State of Tamil Nadu,
Rep. by, the Sub Inspector of Police,
Thondi Police Station,
Ramnad District.
(Crime No.104 of 2025)

... Respondent/Complainant

For Petitioner : Mr.J.Anandkumar,
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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For Anticipatory Bail in Crime No.104 of 2025 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/ A3 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 303(2) of BNS, 2023 r/w. Section 21 (4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.104 of 2025 on the file of the respondent police, seek anticipatory bail.

2. When the matter was taken up for hearing, the learned counsel for the petitioners submitted that the 2nd petitioner herein/ A4 had already been arrested and was released on bail by this Court on 11.06.2025. Hence, he sought permission of this Court to withdraw the present petition insofar as the 2nd petitioner is concerned, and also made an endorsement in the bundle to that effect. Recording the endorsement made by the learned counsel for the petitioners, this Criminal Original Petition is dismissed as withdrawn as against the 2nd petitioner/ A4.

3. The case of the prosecution is that the accused persons illegally excavated 250 units of river sand using JCBs, a tipper lorry, and a tractor with trailer from the land belonging to one Kanimozhi, daughter of V.Kasinathan, for the purpose of commercial gain. Hence, a case has been registered.



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4. The learned counsel appearing for the petitioners submits that the 1st petitioner is an innocent person, and is in no way connected with the alleged occurrence as stated by the prosecution. She has been falsely implicated in this case. He further submits that the sand was excavated merely for the purpose of developing the agricultural field, and not for any commercial purpose. Hence, he seeks anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal Side) submits that the 1st petitioner has been arrayed as A3 in this case. The 2nd petitioner/A4 was arrested and subsequently released on bail by this Court. All the vehicles involved in the incident were seized, and no sand was found in them. No sand was transported on the road, nor the vehicle was seen being used to load sand for commercial purposes. He further submits that there is one previous case registered against the 1st petitioner/A3. Hence, he opposed to grant anticipatory bail to the 1st petitioner.

6. Taking into consideration of the facts and circumstances of the case and the nature of the offence, and taking note of the fact that the entire properties have been recovered, and that A4 was arrested and subsequently released on bail by this Court, this court is inclined to grant anticipatory bail to the 1st petitioner, with certain conditions.



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7. Accordingly, the 1st petitioner is ordered to be released on 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 learned Judicial Magistrate, Thiruvadanai, on condition that the 1st 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 Judicial Magistrate, Thiruvadanai, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) the 1st 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 1st petitioner shall furnish her residential address and mobile number to the learned Judicial Magistrate, Thiruvadanai. In the event of any change in her residential address, the 1st petitioner shall report the same to the learned Judicial Magistrate, Thiruvadanai;

(c) the 1st petitioner shall report before the respondent police weekly twice i.e. on every Monday and Friday at 10.30 a.m., until further orders;



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(d) the 1st petitioner shall not tamper with evidence or witness either during investigation or trial;

(e) the 1st 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 1st petitioner in accordance with law as if the conditions have been imposed and the 1st petitioner released on bail by the learned Magistrate/Trial Court herself 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/1st petitioner thereafter abscond, a fresh FIR can be registered under Section 269 of BNS, 2023.

8. Accordingly, this Criminal Original Petition is allowed insofar as the 1st petitioner is concerned and is dismissed as withdrawn as against the 2nd petitioner.

sd/-
18/06/2025

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



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TO

1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUVADANAI.

3 THE SUB INSPECTOR OF POLICE,
THONDI POLICE STATION,
RMANATHAPURAM DISTRICT.

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

+1. CC to J.ANANDKUMAR Advocate SR.No.6526 (I) DT.19/06/2025

ORDER
IN

CRL OP(MD) No.9113 of 2025
Date :18/06/2025

NM/02.07.2025/ 6P/6C

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