



CRL OP(MD). No.9139 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/06/2025

PRESENT

The HONOURABLE MR. JUSTICE P. VADAMALAI

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1. Mahendran
2. Dhillip

... Petitioners/ Accused

Vs

State of Tamilnadu Rep by In,
Spector of Police, Thanjavur,
Papanasam Police Station,
Thanjavur District.
(Crime No. 177 of 2025).

... Respondent/ Complainant

For petitioners : Mr.R.L. Dhillipan Pandian
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No. 177 of 2025 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/ accused, who apprehend arrest at the hands of the



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respondent police for the offences punishable under sections 303(2) of BNS, 2023 r/w. Section 21(4) of Mines and Minerals (Development and Regulation) Act, 1957 in Crime No.177 of 2025 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 20.05.2025 when the respondent – Police was on patrolling duty, the petitioners herein have illegally excavated and transported ½ unit of river sand by using a bike. Hence, a case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl side) appearing for the respondent – Police submitted that there is no previous case pending against the petitioners and both the minerals and vehicle were seized from the petitioners. He further submitted that the investigation of the case is still pending and hence, he prays to dismiss this Criminal Original Petition.

5. Taking into consideration of the facts and circumstances of the case and also the fact that both the minerals and vehicle were seized by the respondent – Police and that there is no previous case pending against the petitioners, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:



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6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Papanasam, Thanjavur District, 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 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 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 make a non-refundable deposit of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the 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 petitioner;

(c) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of 30 days and thereafter, as and when required for interrogation;



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सत्यमेव जयते (d)the petitioners shall not tamper with evidence or witness either during
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(e)the petitioners 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 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]* and;

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

sd/-
02/06/2025

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

TRP

TO

1. The Judicial Magistrate, Papanasam, Thanjavur District,
2. Do-Through The Chief Judicial Magistrate, Thanjore District.
- 3.The Chairman/District Collector, District Mineral Foundation Trust.
Thanjavur District.



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4. The Inspector of Police, Thanjavur, Papanasam Police Station,
Thanjavur District.

5. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.
+1 CC to M/s.R.L.DHILIPAN PANDIAN, Advocate (SR-5917[I] dated 04/06/2025)

ORDER IN

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Date :02/06/2025

PP/06.06.2025 5P/7C

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