



CRL OP(MD). No.9137 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.05.2025

PRESENT

The HONOURABLE MS.JUSTICE R.POORNIMA

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Sathesh @ Sathishkumar

...Petitioner / Accused No.3

Vs

The State of Tamil Nadu,
Rep by the Inspector of Police,
Andipatti Police Station,
Theni Town,
Theni District.
(Crime No.198 of 2025)

... Respondent/ Complainant

For Petitioner : Mr.S.Vikram
Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Section 482 of BNSS, 2023.

PRAYER :- For Anticipatory Bail in Crime No.198 of 2025 on the file of the respondent police.



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ORDER: The Court made the following order :-

The petitioner / accused No.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 303(2) of BNS, 2023 read with 21(4) of Mines and Minerals (Development & Regulation) Act, 1957, in Crime No.198 of 2025, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 24.05.2025 when the defacto complainant was on patrolling with regard to illegal transport of river sand, the defacto complainant gone to the place of occurrence and found that the tractor with trailer which is yet to be registered with one unit of odai sand without proper permission or licence. The accused who were available in the place of occurrence confessed that they have no proper licence for transporting the sand.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Further, he would submit that the co-accused persons/A1 and A2 were arrested and released on bail. Hence, he seeks anticipatory bail.

4. The learned Government Advocate (Crl side) would submit that the petitioner who is the owner of the vehicle, along with other accused has illegally excavated and transported Odai sand, and hence he objected to grant anticipatory



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bail to the petitioner. However, he fairly concedes that no previous case is pending against the petitioner.

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5. Taking into consideration of the facts and circumstances of the case and also the fact that no previous case is pending against the petitioner and the co-accused/ A1 and A2 were already arrested and released on bail, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

6. Accordingly, this petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Aundipatti, Theni District, 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 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 make a non refundable deposit of Rs.1,000/- (Rupees



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One Thousand only) to the Chairman/District Collector, District Mineral
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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 petitioner 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;

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

(e) the 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 petitioner in accordance with law as if the conditions have been imposed and the 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;

(g) if the accused/petitioner 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.



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To

1 THE JUDICIAL MAGISTRATE,
ANDIPATTI, THENI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT.

3.The Inspector of Police, Andipatti Police Station, Theni Town,
Theni District.

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

COPY TO:
THE CHAIRMAN/
DISTRICT COLLECTOR, DISTRICT MINERAL
FOUNDATION TRUST, THENI DISTRICT.

ORDER
IN

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Date :28/05/2025

MK/03.06.2025 5P/6C

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