

Crl.O.P(MD).No.9224 of 2025

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

Reserved on : 13.06.2025
Pronounced on : 27.06.2025

PRESENT

THE HONOURABLE MR.JUSTICE P.VADAMALAI
Crl.O.P(MD).No.9224 of 2025

Sivabalan

...Petitioner/ Accused No.1

Vs.

The State of Tamilnadu rep. by
The Inspector of Police,
Ilayangudi Police Station,
Sivagangi District.
(Crime No.198 of 2025)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 of BNSS, to enlarge the petitioner on anticipatory bail in the event of his arrest in Crime No.198 of 2025, dated 26.05.2025 on the file of the respondent police.

For Petitioner : Mr.R.Senthilkumar

For Respondent : Mr.S.Prakash

Government Advocate (Crl.side)

ORDER

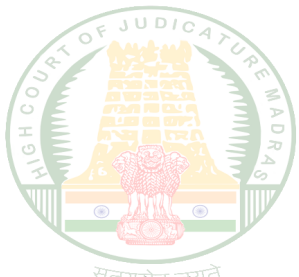
The petitioner seeks anticipatory bail upon the apprehension of arrest at the hands of the respondent police for the alleged offences U/s.303(2) of BNS, 2023 and U/s.21(4) of the Mines and Minerals (Development and Regulation) Act, in Crime No.198 of 2025 on the file of the respondent police.

2. The case of the prosecution is that the defacto complainant, who is the Village Administrative Officer, visited the occurrence place and found that there were 40 units of sand in the land of the petitioner without any permission from the authority



3. The learned counsel for the petitioner has submitted that the petitioner is an advocate. The petitioner's land is patta land and he leveled the ground by that sand for planting pine trees and coconut trees. The sand was taken for agricultural activities, which are exempted from the offences under the Act. The co-accused were granted bail by the Principal Sessions Court, Sivagangai. The petitioner has not committed any offence as alleged by the prosecution and he is to abide by any condition imposed by the Court and hence, he may be granted anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police filed a counter and objected the petition. He would submit that when the defacto complainant made an enquiry at the occurrence place, one Rajendran/Accused No.2 was present there and stated that the sand was taken for construction of the house of the petitioner Sivabalan. The Tractor and JCB were also found parked there. The driver and the owner of JCB were also present. They were arrested and remanded to judicial custody. Later, they were granted bail upon their incarceration. Accused No.2/Rajendran clearly stated that the sand was taken from the land in S.No.163/2 belonged to the petitioner's father-in-law. So, the sand is taken from another land, which does not belong to the petitioner. Investigation is pending at the preliminary stage. Being an advocate, the petitioner might tamper



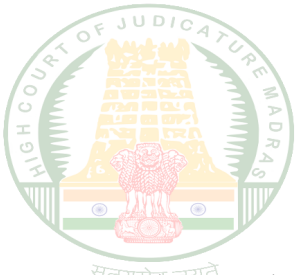
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with the evidence if anticipatory bail is granted. Hence, he prays for dismissal of this petition.

5. Heard and perused the available records. It is seen from the records that the petitioner admits that the sand was in his land, but he stated that he used the sand for leveling the ground for planting trees. The prosecution's case is that there were 40 units of sand heap in the land of the petitioner. The petitioner states that he took sand from his patta land only for the purpose of agricultural activities, for which he made leveling the ground for planting trees. The petitioner's case is that the taking of sand from patta land for agricultural purposes is exempted under the provisions of the MMDR Act. The prosecution has not placed any material to show that there were other construction materials at the occurrence place. These facts could be decided only after trial. The arrested co-accused were granted bail by the learned Principal District Judge, Sivagangai. The custodial interrogation of the petitioner is not necessary, as the sand in question is admitted. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

6. Accordingly, 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, Ilayankudi, on



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condition that the petitioner shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five 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 Judicial Magistrate, Ilayankudi, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(a) The sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Judicial Magistrate concerned may obtain a copy of their Aadhar card or Bank Pass Book to ensure their identity; and

(b) The petitioner shall furnish his residential address and contact number to the learned Judicial Magistrate, Ilayankudi. If the petitioner change his residential address, he shall report the same to the learned Judicial Magistrate, Ilayankudi;

(c) On release, the petitioner shall appear and sign before the Inspector of Police of respondent police station daily at 10.00 a.m. until further orders.

(d) Further, the petitioner shall appear before the respondent police as and when required for interrogation;

(e) The petitioner shall not abscond either during



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investigation or trial and he shall cooperate for the investigation;

(f) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(g) On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and and if there is any violation of condition, the Investigation Officer is within his discretion to approach the Court of the learned Judicial Magistrate, concerned for cancellation of bail as per the ruling of the Hon'ble Supreme Court reported in **P.K.Shaji/Vs/State of Kerala, (2005) AIR S.C.W.5560** and;

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

sd/-
27/06/2025

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

VSD

<https://www.mhc.tn.gov.in/judis>



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1 THE JUDICIAL MAGISTRATE
ILAYANKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,,
ILAYANGUDI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1 CC to M/s.R.SENTHIL KUMAR, Advocate (SR-6853[I] dated 27/06/2025)

ORDER

IN

CRL OP(MD) No.9224 of 2025

Date :27/06/2025

SS/SAR- /01/07/2025/ 6P/6C

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